



W.P.No.13739 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.10.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.13739 of 2020
and W.M.P.Nos.17081 and 17082 of 2020 and 7179 of 2021**

1.Balqueese Begum

2.Fathima Begum

3.Rasheeda Begum

4.Shameem

5.Naseema

6.Parveen Begum

... Petitioners

Vs.

1.Tamil Nadu Waqf Board,
Represented by its Chairman,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.

2.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.



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3.The Superintendent of Waqf,
Office of the Superintendent of Waqf,
Chennai Central, Dr.Natesan Road,
Chennai-600 005.

4.The Revenue Divisional Officer and
Sub-Divisional Magistrate,
South Chennai Division,
Guindy, Chennai-600 032.

5.Ismath Basha

6.Dilshad Begum

....Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records of the fourth respondent having Ref.Procs.No.B1/1141/2019, dated 26.08.2020 and quash the same.

For Petitioner : Mr.R.Venkata Varathan

For Respondents : Mr.Haja Mohideen Gishta
for R1 to R3
Mr.U.Baranidharan
Additional Government Pleader
for R4
R5-No appearance
Mr.Illaya Perumal for R6



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ORDER

This Writ Petition has been filed challenging the impugned proceedings dated 26.08.2020 issued by the fourth respondent, in and by which, the respondent No.4 has directed the respondent No.5 to hand over the charge and possession of the Wakf properties to the respondent No.6 within a period of 30 days from the date of receipt of a copy of the proceedings.

2. The learned counsel appearing for the petitioners submits that the mother of the petitioners and the sixth respondent were acting as Muthavalli and the petitioners' mother relieved from the office of Muthavalli. Thereafter, the respondent No.5 was appointed as Muthavalli and challenging the same, the respondent No.6 filed her objection and the petitioners and the sixth respondent lodged a complaint before the Waqf Board and also filed W.P.No.12995 of 2007 against the Superintendent of Waqf Board. The respondent No.5 filed O.A.No.2 of 2007 before the I Assistant City Civil Court (Wakf Tribunal) for permanent injunction.



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While pending the litigations, the petitioners, the respondent Nos.5 and 6 entered into amicable settlement and based on that, O.A.No.2 of 2007 was decreed. Thereafter, the respondent No.6 filed petition before the Wakf Board for the same cause of action by challenging the appointment of the respondent No.5 as Muthavalli without impleading the petitioners as party to the proceedings and therefore, the petitioners filed impleading application before the first respondent and the same was allowed by the Waqf Board, however, without issuing any notice of enquiry, the second respondent conducted enquiry on 05.03.2019 and passed an order removing the fifth respondent from the office of Muthavalli and appointing the sixth respondent as Muthavalli. Challenging the said proceedings, the petitioners filed A.A.No.15 of 2019 before the Wakf Tribunal, whereas, the respondent No.5 filed A.A.No.16 of 2019, however, the appeals preferred by the petitioners and the fifth respondent were dismissed by the Tribunal vide order dated 24.12.2019. Aggrieved by the same, the petitioners preferred Civil Revision Petition before this Court in C.R.P.No.179 of 2020 and likewise, the fifth respondent also filed C.R.P.No.318 of 2020 and they are



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pending. While pending the litigations, the fourth respondent, vide order dated 26.08.2020, directed the fifth respondent to hand over the charge and possession of the Wakf properties to the sixth respondent. Challenging the same, the present writ petition has been filed.

3. Heard the learned counsel appearing for the petitioners, the learned counsel appearing for the respondents 1 to 3, the learned Additional Government Pleader appearing for the respondent No.4 and the learned counsel appearing for the respondent No.6.

4. The present writ petition has been filed by the petitioners challenging the appointment of the sixth respondent as Muthavalli, and handing over of the Wakf property to the sixth respondent. However, the subject issue is pending before this Court in C.R.P.Nos.179 and 318 of 2020 and without the same reaching finality, no affirmative order can be passed in this writ petition. Therefore, this Court is inclined to dispose of this writ petition by observing that, the impugned order dated 26.08.2020 passed by



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the fourth respondent is subject to the result of C.R.P.Nos.179 and 318 of 2020.

5. Accordingly, this Writ Petition is disposed of with the aforesaid observations and directions. There shall be no order as to costs. Connected miscellaneous petitions are closed.

03.10.2024

(1/3)

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb



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To

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Represented by its Chairman,
No.1, Jaffer Syrang Street,
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2. The Chief Executive Officer,
Tamil Nadu Waqf Board,
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M.DHANDAPANI, J.

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