



W.P.No.14313 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.05.2024

CORAM

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

W.P.No.14313 of 2024

and

W.M.P.No.15544 of 2024

The President,
Tamil Nadu Wakf Board Employees,
Colony Mosque,
Masjid Al Haramain,
Vallal Yusuf Nagar, Selaiyur Post,
Chennai 73

... Petitioner

Vs.

1. Tamil Nadu Wakf Board,
Rep. by Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 1

2. The Executive Officer/ Superintendent of Wakfs,
Chennai and Poonamallee Zones,
Dr.Besant Road, Ice House,
Chennai.

3. The Secretary to Government,
Department of Minority, Backward, Most Backward Classes,
Fort St. George, Chennai

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India seeking Writ of



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Mandamus forbearing respondents 1 and 2 and its men and agent from interfering with the Petitioner's administration of Masjid Al Haramain Waqf Board Employees Colony Mosque, Rajakilpakkam, Kancheepuram District (Reg No.192/Kanchi), pending disposal of the stay petition filed on 11.03.2024 before the 3rd respondent under Section 65(2) of the Wakf Act, 1995.

For Petitioner : Mr.I.Kowser Nissar

For Respondents : Mr.Haja Mohideen Gisthi
for 1st Respondent

Ms.V.Yamuna Devi
for 2nd respondent

ORDER

This Writ Petition seeks for a mandamus to forbear Respondents 1 and 2 from interfering with the management of the Petitioner's administration, pursuant to the resolution passed on 15.02.2024.

2.The Petitioner claims to be the President of Masjid Al Haramain Wakf Board, which is situated at Rajakilpakkam. According to him, the tenure of office of the Wakf board, which has been elected by the Jamma Masjid expires on 11.03.2026. Even before the period is over, the board has passed a resolution



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and has attempted to take over direct management.

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3.Mr.Haja Mohideen Gisthi, learned counsel for the 1st respondent would submit that Wakf Board has issued a notice to the Management and asked for the explanation and on all three occasions, the excuse that was given was that the President was sick and therefore, was not in a position to come before the Board for giving explanation. He would further submit that the board was left with no other option than to pass an order under Section 65 of the Wakf Act, 1995.

4.Be that as it may, I am not going into the merits of the case, since as against the resolution passed in Item No.275/23, an appeal has been filed before the Government in terms of Section 65(2) of the Wakf Act, 1995. The Petitioner cannot ride on two horses at the same time, one before the Government and another before this Court. I would feel that if a direction is given to the Government to dispose of the appeal preferred by the Writ Petitioner on 11.03.2024 expeditiously, it would serve the interest of justice.

5.Accordingly, the 3rd respondent is directed to dispose of the appeal



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preferred by the Writ Petitioner after hearing the Wakf Board within a period of twelve weeks from the date of receipt of a copy of this order. Till the disposal of the appeal, there shall be an order of status quo.

6.With the above direction, this Writ Petition is disposed of. No costs.

Consequently, connected Miscellaneous Petition is closed.

29.05.2024

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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V.LAKSHMINARAYANAN, J.

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