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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.20714 of 2024

S.Ashraf Bee

...Petitioner

Vs

1. Tamil Nadu Wakf Board,
Rep by its Chairman
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600001.

2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600001.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the representation dated 20.03.2024 to conduct an inquiry and declare the present female line members of the Hazarath Nabi Sallallahu Alahi Va Sallam Fathiah Wakf. Following this, they should conduct the selection process for the administration of the above Wakf in accordance with law.

For Petitioner

: Mr. S.Murali Krishnan



For Respondents

: Mr.Mohammed Fayaz Ali for R1 & R2
Standing Counsel

ORDER

The petitioner has filed this Writ Petition seeking a direction to respondents 1 and 2 to consider the representation of the petitioner dated 20.03.2024 and pass orders.

2.Mr.Mohammed Fayaz Ali, learned Standing Counsel, takes notice for the Respondents. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that he is the hereditary female line member of the Hazarath Nabi Sallallahu Alahi Va Sallam Fathiah Wakf, (Sunni) Wakf, defined under section 3, Clause K, Sub-Clause II of the Wakf Act, 1995. The said Wakf (Sunni) is surveyed and notified Wakf by the Government of Tamil Nadu in GS.No.609/Trichy. One Syed Ghouse Sahib Subordinate Court, Trichy in OS.No.44 of 1952 for removing the defendants 1 to 3 from the suit and to appoint a fit person to manage the



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above Wakf. The 1st Additional Subordinate Court by its order dated 05.08.1954 framed a scheme for the administration of the above Wakf. After the commencement of the Wakf Act and the order of appointment, the Muthawalli is vested with the Tamil Nadu Wakf Board and the power of the scheme court is transferred to the Tamil Nadu Wakf Board. Under such circumstances, the petitioner gave a representation to the respondents 1 and 2 dated 20.03.2024 to conduct an inquiry and declare the present female line members of the Hazarath Nabi Sallallahu Alahi Va Sallam Fathiah Wakf and following the same, they should conduct the selection process for the administration of the above Wakf. However, the same was not considered. Hence this petition.

4. The learned counsel for the petitioner submitted that they should conduct the selection process for the administration of the above Wakf in accordance with law. Hence prays this Court to issue a direction to the respondents to consider the petitioner's representation and pass orders.

5. The learned Standing Counsel appearing for the respondents



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submitted that they will consider the case of the petitioner and pass orders in accordance with law.

6. Considering the facts and circumstances of the case and the limited relief sought for by the petitioner, this Court, without expressing any opinion on the merits of the case, directs the respondents to consider the petitioner's representation dated 20.03.2024 and pass orders on merits and in accordance with law, after affording reasonable opportunity of hearing to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

26.07.2024

Index:Yes/No
Speaking order/Non-speaking order
gv



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V.BHAVANI SUBBAROYAN,J.

gv

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