



W.P.No.26162 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.26162 of 2024

Nisar Ahmed
Muthawalli,
Konavattam Mosque, Kabarasthan and Nazuk Rathan Bi Dargah Waqf,
Konavattam, Vellore District-635 751. ...Petitioner

Vs.

1. The District Revenue Officer,
Sub Divisional Magistrate,
Collectorate Office, Vellore District.
2. The Tamil Nadu Waqf Board,
Rep. by its Chief Executive Officer,
Tamil Ndu Waqf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar, Chennai – 600 001.
3. The Waqf Superintendent,
Vellore Zone,
Sainathapuram, Vellore District.
4. Jabbar Basha ...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to consider the application filed by the petitioner dated 05.01.2024 and conduct an enquiry in accordance with law within a period of stipulated time.



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For Petitioner : M/s.A.Ajimath Begam

For Respondents : Mr.U.Baranidharan, AGP, for R1
: Mr.G.Mohammed Aseef, for R2 & R3

ORDER

This Writ petition has been filed seeking direction to the 1st respondent to consider the petitioner's application dated 05.01.2024 and to consequently conduct an enquiry in accordance with law.

2. Mr.U.Baranidharan, learned Additional Government Pleader, takes notice on behalf of the 1st respondent, Mr.G.Mohammed Aseef, learned counsel takes notice on behalf of the 2nd and 3rd respondents. In view of the consent expressed by the learned counsel on either side, this Writ petition is taken up for final disposal at the admission stage itself.

3. Since no adverse order is being passed against the 4th respondent, notice to the 4th respondent is dispensed with.

4. The case of the petitioner is that, the petitioner is the hereditary Muthawalli of the Mosque and Burial and Nazuk Rathan Be Dargah Waqf,



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which is a surveyed and notified waqf having G.S.No.439 and was dedicated by title deed in Doc.No.381 dated 22.01.1860. Since there took place some illegal activities in the said waqf, it was brought under the control of direct management of the 2nd respondent for a period of one year. Subsequently, the petitioner was recognised as Muthawallli of the waqf vide, resolution dated 27.09.2023 in Item No.233/23 in Na.Ka.No.15986/15/AA7/Vellore and the same was communicated to the respondent in Se.Mu. Order No.15986/15/AA7/Vellore dated 10.11.2023. Though the above said order was communicated to the 3rd and 4th respondents, till date, the 4th respondent did not deliver the possession of the available records, accounts and cash in hand belonging to the waqf and other documents. Thereby, the petitioner made an application dated 05.01.2024 under Section 68(3) & (4) of the Waqf Act 1995 before the 1st respondent, seeking delivery of possession, however, till date, no orders have been passed on the said representation. Hence, this Writ petition.

5. Though very many grounds have been raised, learned counsel for the petitioner submitted that it would suffice if this Court issues direction to the 1st respondent to consider the petitioner's representation dated



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05.01.2024 and to consequently direct the 4th respondent to deliver the possession of the materials available to the petitioner.

6. Learned counsel appearing for the respective respondents submitted that, appropriate orders will be passed on the petitioner's application dated 05.01.2024 within the time stipulated by this Court.

7. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the 1st respondents to consider the petitioner's application dated 05.01.2024 on merits and in accordance with law and pass appropriate orders, within a period of two (2) weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner and the 4th respondent.

8. Accordingly, this Writ petition stands disposed of. No costs.

10.09.2024

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

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M.DHANDAPANI, J.

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