



WEB COPY



W.P.No.4414 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.4414 of 2017

And

W.M.P.Nos.4623 of 2017 and 34589 of 2022

1.K.Rasheedunisa

2.K.Shamshad Begum

3.K.Dilshad Begum

4.K.Muneera Begum

5.K.Najamunissa

... Petitioners

Vs.

1.Tamil Nadu Wakf Board
Rep. by its Chairman,
No.1, Jaffer Sarang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

2.The Member Secretary
Tamil Nadu Wakf Board
No.1, Jaffer Sarang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

3.The Chief Executive Officer,
Tamil Nadu Wakf Board
No.1, Jaffer Sarang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.



W.P.No.4414 of 2017

4.The Superintendent of Wakfs,
The Tamil Nadu Wakf Board,
Central Zone Office,
No.139, Dr.Besant Road,
Near N.K.T. Girls Higher Secondary School,
Triplicane,
Chennai – 600 005.

5.The Inspector of Wakfs,
The Tamil Nadu Wakf Board
Central Zone Office,
No.139, Dr.Besant Road,
Near N.K.T. Girls Higher Secondary School,
Triplicane,
Chennai – 600 005.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to forbear the respondents from in any way interfering with the management and administration of the Dargahh viz., Hazrath Syed Moosa Sha Khaderi (RA) situated at Anna Salai (Mount Road), Chennai 2 during the turn of management of the petitioners except in accordance with law as enumerated and decided by the scheme decree dated 11.08.1910 made in C.S.No.116 of 1909 on the file of this Hon'ble Court.

For Petitioner : Mr.M.A.Abdul Wahab
for M/s.K.V.Subramanian Associates



W.P.No.4414 of 2017

For Respondents : Mr.Avinash Wadhwani

WEB COPY

ORDER

The petitioners have filed this writ petition seeking issuance of Writ of Mandamus to forbear the respondents from in any way interfering with the management and administration of the Dargahh viz., Hazrath Syed Moosa Sha Khaderi (RA) situated at Anna Salai (Mount Road), Chennai 2 during the turn of management of the petitioners except in accordance with law as enumerated and decided by the scheme decree dated 11.08.1910 made in C.S.No.116 of 1909 on the file of this Court.

2.The learned counsel appearing for the petitioners submitted that the petitioners are the decendents of the Great Muslim Saint Hazrath Syed Moosa Sha Khaderi (R.A). Earlier a Scheme was framed by this Court in the suit in C.S.No.116 of 1909 regarding the management of the Dargah situated at Anna Salai (Mount Road), Chennai and the same was confirmed by the Hon'ble Division Bench of this Court in O.S.A.No.34 of 1910 and the petitioners are entitled to collect and receive the offering, gifts and other emoluments of Dargah, however, contrary to the same, the respondents are trying to interfere



W.P.No.4414 of 2017

with the petitioners entitlement.

WEB COPY

3.The learned counsel appearing for the respondents submitted that the writ petition is not maintainable since till date no adverse order has been passed against the petitioners. If at all any order is passed against the petitioners it is left open to the petitioners to approach the Wakf Tribunal.

4.It appears that till date no adverse order has been passed against the petitioners. If at all any order is passed against the petitioners it is left open to the petitioners to approach the Wakf Tribunal.

5.The writ petition is disposed of. Liberty is granted to the petitioners to work out the remedy in the manner known to law. No costs. Consequently, the connected miscellaneous petitions are closed.

09.09.2024

pri

Speaking Order/ Non Speaking Order
Index: Yes/ No

4/6



W.P.No.4414 of 2017

Internet: Yes/ No

WEB COPY

To

- 1.Tamil Nadu Wakf Board
Rep. by its Chairman,
No.1, Jaffer Sarang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.
- 2.The Member Secretary
Tamil Nadu Wakf Board
No.1, Jaffer Sarang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.
- 3.The Chief Executive Officer,
Tamil Nadu Wakf Board
No.1, Jaffer Sarang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.
- 4.The Superintendent of Wakfs,
The Tamil Nadu Wakf Board,
Central Zone Office,
No.139, Dr.Besant Road,
Near N.K.T. Girls Higher Secondary School,
Triplicane,
Chennai – 600 005.
- 5.The Inspector of Wakfs,
The Tamil Nadu Wakf Board
Central Zone Office,
No.139, Dr.Besant Road,
Near N.K.T. Girls Higher Secondary School,
Triplicane,
Chennai – 600 005.



WEB COPY



W.P.No.4414 of 2017

M.DHANDAPANI,J.
pri

W.P.No.4414 of 2017
And
W.M.P.Nos.4623 of 2017
and 34589 of 2022



WEB COPY



W.P.No.4414 of 2017

09.09.2024