



WEB COPY



W.P.No.32415 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.32415 of 2024

S.K.Syed Rasheeth

... Petitioner

Vs.

1.Chairman, Tamil Nadu Waqf Board,
No.1, Jafar Syrang Road,
Vallal Seethakathi Nagar,
Chennai – 600 001.

2.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jafar Syrang Road,
Vallal Seethakathi Nagar,
Chennai – 600 001.

3.The Superintendent of Waqfs,
Vellore Zone,
Sathuvachari,
Vellore – 632 009.

4.Sowkar Jan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 2.9.2024 sent to the respondents 1 to 3 to conduct enquiry under sections



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64 and 70 of the Waqf Act, 1995 as amended 2013 against the fourth respondent within the time frame fixed by this court.

For Petitioner : Mr.S.Abdul Vahab

For Respondents : Mr.Haja Mohideen Gisthi

ORDER

This Writ Petition has been filed by the petitioner seeking for a Writ of Mandamus, to direct the respondents 1 to 3 to consider the petitioner's representation dated 2.9.2024 sent to the respondents 1 to 3 to conduct enquiry under sections 64 and 70 of the Waqf Act, 1995 as amended 2013 against the fourth respondent within the time frame fixed by this court.

2. Mr.Haja Mohideen Gisthi, learned counsel, accepts notice on behalf of the respondents 1 to 3. In view of the consent expressed by the learned counsel for the parties, this writ petition is taken up for final disposal at the stage of admission itself.

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



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4. The case of the petitioner is that, his grandfather was the performa Muthawalli of Mosque, Burial ground and Syed Fatha Madani Tomb Waqf, Chetpet Town, Formerly Polur Taluk now Cheput Taluk, formerly North Arcot District now Tiruvannamalai District, which had been registered as Wakf Dis. No.418/55 after survey conducted under the Waqf Act, 1954. After his death, the petitioner's father had become hereditary Muthawalli. According to the genealogical records and the performa report, the petitioner is the legitimate successor and entitled to be registered as the Muthawalli as per the provisions of Section 42 of the Act. However, through an executive order dated 12.06.2024, the 2nd respondent relying on the 1st respondent's resolution in Inam dated 15.02.2024, appointed the 4th respondent as Muthawalli of the Waqf, which is in violation of the hereditary principles enshrined under the Act. Therefore, the petitioner sent a representation dated 02.09.2024 to the respondents 1 to 3 to conduct enquiry u/s 64 and 70 of the Tamil Nadu Waqf Act, 1995 against the 4th respondent and register change of management. Since the same was not considered, the petitioner have filed this writ petition before this court.



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5. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues a direction to the respondents 1 to 3 to consider the representation of the petitioner dated 02.09.2024 and pass appropriate orders, within a time frame that may be stipulated by this court.

6. Considering the limited request made by the learned counsel for the petitioner, this court, without going into the merits of the case, directs the respondents 1 to 3 to consider the representation of the petitioner dated 02.09.2024 on merits and in accordance with law and pass appropriate orders, within a period of four (4) weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner and aggrieved persons, if any.

7. With the above direction, this writ petition is disposed of. No costs.

30.10.2024

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No



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Tamil Nadu Waqf Board,
No.1, Jafar Syrang Road,
Vallal Seethakathi Nagar,
Chennai – 600 001.
- 2.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jafar Syrang Road,
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M.DHANDAPANI, J.

sp

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