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W.P.Nos.31007 of 2018 and 19831 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.31007 of 2018 and 19831 of 2023

And

**W.M.P.Nos.36164, 36167 of 2018 & 13384 of 2023
and 19170 of 2023**

Kwaja Najmudeen ... Petitioner in W.P.31007/2018

A.Abdoul Souckour ... Petitioner in W.P.19831/2023

Vs.

1.The Government of Tamil Nadu
Rep. by Under Secretary To Government (Waqf)
Department of Hindu Religious Institutions and Waqf
Government of Puduchery
Puduchery.

2.A.Abdoul Souckour ...Respondents in W.P.31007/2018

1.Union of India
Represented by Secretary to Government
Department of HRI and Waqf
Office of the Chief Secretariat
Govt. of Puducherry,
Puducherry.

2.Under Secretary to Government
Department of HRI and Waqf
Govt. of Puducherry,
Pettiyanchatiram,
Puducherry.



W.P.Nos.31007 of 2018 and 19831 of 2023

3.Waqf Officer
Puducherry State Waqf Board
No.1 and 3, 3rd Floor,
Yanam Venkatachalampillai Street
Puducherry – 605 001.

4.Janab.A.Mohamad Sulthan
5.S.M.Haji Mansoor Shah ...Respondents in W.P.19831/2023

Prayer in W.P.No.31007 of 2018:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for records of the first respondent ending with GO.MS.No.68/US(wakf)/T.10/2018 Hindu Religious Institution and Wakf Puduchery dated 05.09.2018 and quash the same.

Prayer in W.P.No.19831 of 2023:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to effectively implement the order passed in G.O.Ms.No.68/US(Waqf)/T.10/2018 dated 05.09.2018 on the file of second respondent and the further directions issued in Proceedings No.13/Va.Vaa/Va.A./2015/2023 dated 01.03.2023 on the file of the third respondent whereby enabling petitioner to discharge the functions as Kazi in Mohideen Andavar Mosque in Neravy Region, Karaikal District, Union Territory



W.P.Nos.31007 of 2018 and 19831 of 2023

WEB COPY

Puducherry and restraining the respondents 4 and 5 from performing the functions of Kazi in Mohideen Andavar Mosque in Neravy Region, Karaikal District, Union Territory of Puducherry besides directing the respondents 1 to 3 to take appropriate actions against the respondents 4 and 5 for the grave illegalities committed by them in accordance with the law.

For Petitioners : Mr.Nissar Hussain
in W.P.No.31007 of 2018
Mr.V.Balasubramanian
in W.P.No.19831 of 2023

For Respondents : Mr.V.Vasanth Kumar for R1
Additional Government Pleader (P)
Mr.M.J.Srinivas for R2
in W.P.No.31007 of 2018

Mr.V.Vasanth Kumar for R1 & R2
Additional Government Pleader (P)
Mr.NA.Nassir Hussain for R3 to R5
in W.P.No.19831 of 2023

COMMON ORDER

W.P.No.31007 of 2018 has been filed seeking issuance of Writ of Certiorari calling for records of the first respondent ending with GO.MS.No.68/US(wakf)/T.10/2018 Hindu Religious Institution and



W.P.Nos.31007 of 2018 and 19831 of 2023

Wakf Puduchery dated 05.09.2018 and quash the same.

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2.W.P.No.19831 of 2023 has been filed seeking issuance of Writ of Mandamus directing the respondents 1 to 3 to effectively implement the order passed in G.O.Ms.No.68/US(Waqf)/ T.10/2018 dated 05.09.2018 on the file of second respondent and the further directions issued in Proceedings No.13/Va.Vaa/Va.A./2015/ 2023 dated 01.03.2023 on the file of the third respondent whereby enabling petitioner to discharge the functions as Kazi in Mohideen Andavar Mosque in Neravy Region, Karaikal District, Union Territory of Puducherry and restraining the respondents 4 and 5 from performing the functions of Kazi in Mohideen Andavar Mosque in Neravy Region, Karaikal District, Union Territory of Puducherry besides directing the respondents 1 to 3 to take appropriate actions against the respondents 4 and 5 for the grave illegalities committed by them in accordance with the law.

3.Since the issue involved in these writ petitions are interrelated, they are heard together and disposed of by way of a common order.



W.P.Nos.31007 of 2018 and 19831 of 2023

4.The learned counsel appearing for the petitioner in W.P.No.31007 of 2018 submitted that the petitioner is the Jamathdhar of Neravy Karaikal and without any consultation with the Principal Mohammedan and contrary to Section 2 of the Kazis Act, 1880, the Government of Puducherry appointed the second respondent as Kazi for Neravy Karaikal. The learned counsel further submitted that the petitioner has already filed objection before the first respondent for reconsideration of the appointment of the second respondent as Kazi for Neravy Karaikal. Hence, it would suffice, if this Court issues direction to the first respondent to consider the petitioner's objection and pass appropriate orders after providing opportunity to the petitioner and second respondent.

5.The learned counsel appearing for the petitioner in W.P.No.19831 of 2023 submitted that in exercise of the powers conferred under Section 2 of the Kazis Act, 1880, the Government of Puducherry appointed the petitioner as Kazi for Neravy Karaikal vide G.O.Ms.No.68/US(Waqf)/ T.10/2018 dated 05.09.2018. However, the said order has not yet been implemented. Hence, this Court may issue direction to the respondents 1 to 3 to implement the order dated 05.09.2018.



W.P.Nos.31007 of 2018 and 19831 of 2023

WEB COPY

6.The learned Additional Government Pleader (P) appearing for the first respondent in W.P.No.31007 of 2018 and respondents 1 and 2 in W.P.No.19831 of 2023 submitted that the respondents are not able to identify Principal Mohammedan in Neravy Karaikal.

7.Considering the submissions made on either side, this Court directs the petitioner in W.P.No.31007 of 2018 to send a copy of the objection filed by him to the first respondent in W.P.No.31007 of 2018/ second respondent in W.P.No.19831 of 2023 for ready reference along with a copy of this order. On receipt of the same, the first respondent in W.P.No.31007 of 2018/ second respondent in W.P.No.19831 of 2023, shall consider the petitioner's objection and after providing opportunity to the petitioner and second respondent and to the Principal Mohammedan in Neravy Karaikal (if available and identified), pass appropriate orders, as expeditiously as possible.

8.The writ petitions are disposed of on the above terms. No costs. Consequently, the connected miscellaneous petitions are closed.

02.09.2024



W.P.Nos.31007 of 2018 and 19831 of 2023

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

- 1.The Government of Tamil Nadu
Rep. by Under Secretary To Government (Waqf)
Department of Hindu Religious Institutions and Waqf
Government of Puduchery
Puduchery.
- 2.Union of India
Represented by Secretary to Government
Department of HRI and Waqf
Office of the Chief Secretariat
Govt. of Puducherry,
Puducherry.
- 3.Waqf Officer
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W.P.Nos.31007 of 2018 and 19831 of 2023

M.DHANDAPANI,J.
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