



W.P.(MD)No.5907 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 11.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.5907 of 2024

Abdul Basheer Rahaman,
President,
Melapallivasal Nirvaga Committee,
Seethakati Street,
Samathanapuram,
Rajapalayam,
Virudhunagar.

... Petitioner

versus

1. The Tamil Nadu Waqf Board,
Rep. by its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallalseethatki Nagar,
Chennai – 600 001.
2. Mansoor,
Gondhul Alam Meera Mohideen Pallivasal,
Samathanapuram,
Rajapalayam,
Virudhunagar.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the first respondent to enquire and pass final orders on the petitioner's statutory application dated 09.12.2023 under Section 70 of the Waqf Act, 1995 within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Athiff

For R1 : Mr.S.A.Ajmal Khan,
Standing Counsel

ORDER

The petitioner is a Muthavalli of Melapallivasal Waqf, Samathanapuram, Rajapalayam, Virudhunagar District. The second respondent is the President of Gondhul Alam Meera Mohideen Pallivasal, Samathanapuram, Rajapalayam. According to the petitioner, all the Jamaths in Rajapalayam are having a common burial ground (Kabristan) to an extent of 3 acres, which is under the control of the second respondent Waqf. The second respondent is said to have diverted a portion of the graveyard for construction of a car shed. The



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extent of burial ground to an extent of 3 acres is now reduced to 40 cents. Therefore, the petitioner has submitted an application dated 09.12.2023 under Section 70 of the Waqf Act before the first respondent and has filed this writ petition for a Mandamus, directing the first respondent to conduct an enquiry and take a decision on his application dated 09.12.2023 filed under Section 70 of the Waqf Act within a stipulated period.

2. Mr.S.A.Ajmal Khan, learned Standing Counsel takes notice for the first respondent and submits that the application dated 09.12.2023 filed by the petitioner under Section 70 of the Waqf Act was placed before the Board, in the meeting held in the last month and necessary action would be taken within a period of two months.

3. Considering the submissions of the learned Standing Counsel appearing for the first respondent, this writ petition is disposed of with a direction to the first respondent to take a decision on the petitioner's



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application filed under Section 70 of the Waqf Act, after providing an opportunity of hearing to the second respondent, within a period of two months from the date of receipt of a copy of this order. No costs.

11.03.2024

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallalseethatki Nagar,
Chennai – 600 001.



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B.PUGALENDHI, J.

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