



W.P.(MD).No.6862 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2024

CORAM

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.(MD).No.6862 of 2024

J.M.Latheef

... Petitioner

Vs.

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

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to grant approval to the Mutawalliship of the petitioner by passing final orders on the petitioner's application dated 15.06.2023 and 19.01.2024 in light of the order made in CRP.(MD).No.2079 of 2022 dated 19.04.2023, within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondent : Mr.Chandrasekaran



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ORDER

WEB COPY The present Writ Petition is filed for Mandamus seeking direction to the respondent to grant approval to the Mutawalliship of the petitioner by passing final orders on the petitioner's applications dated 15.06.2023 and 19.01.2024 in the light of the order made in C.R.P.(MD).No.2079 of 2022 dated 19.04.2023, within the time stipulated by this Court.

2. It is submitted by the learned counsel for the petitioner that the petitioner is the Secretary of the Periya Kuthba Pallivasal, which is a notified Waqf under GS No.778 under the Waqf Act, 1995. As per the proforma, a general body of the Waqf consists of members from 16 streets in Melapalayam, who would in turn elect among themselves a Mutawalli and other office bearers. Since the Waqf officials sought to hold a fresh election, the petitioner filed an application before the Waqf Tribunal in O.A.No.370 of 2019 to declare the administrative committee headed by the petitioner as lawfully elected committee and for permanent injunction. The said application was rejected by the Tribunal by order dated 31.02.2022, against which, the petitioner filed a revision petition before this Court in C.R.P.(MD).No.2079 of 2022. By order dated 19.04.2023, this Court allowed the revision petition by setting aside the order of the Tribunal and upholding the election. This Court also held that the



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Board has no powers to hold election for an individual waqf nor is the election invalid merely because it has not been conducted in the presence of the waqf officials. Pursuant to the order passed by this Court, election was held for the office bearers in respect of the petition mentioned Waqf for the period between 28.05.2023 and 27.05.2026 on 28.05.2023 and the petitioner was again elected as the Secretary of the said Waqf. Hence, the petitioner submitted a representation to the respondent dated 15.06.2023 for approval of the committee by intimating the change in management. Since no action was taken, the petitioner submitted another representation on 19.01.2024. Since the said representation was not considered, this Writ Petition has been filed.

3. It is submitted by the learned counsel for the respondent that the respondent has not received the representation dated 15.06.2023 and they have only received the representation dated 19.01.2024. It was further submitted that the petitioner's representation would be considered and orders would be passed in accordance with law in view of the order made in C.R.P.(MD).No.2079 of 2022 dated 19.04.2023, within a period of eight (8) weeks, which was accepted by the learned counsel for the petitioner.



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4. In view of the same and taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the respondent herein to consider the petitioner's representation dated 19.01.2024, on its own merits and pass appropriate orders in accordance with law, after affording reasonable opportunity of hearing to the petitioner and other interested persons/stake holders, within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any views with regard to the merits of the representation and it is open to the concerned respondent to consider the representation on its own merits and in accordance with law.

5. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

20.08.2024

Index : Yes / No
Internet : Yes/ No
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MOHAMMED SHAFFIQ, J.

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