



W.P.(MD) No.8944 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.8944 of 2024

P.Mohammed Sherif

... Petitioner

Vs.

1.Tamil Nadu Waqf Board,
Rep. by its Chairman,
No.1, Jaffersyrang Street,
Chennai – 600 001.

2.The Tamil Nadu Waqf Board,
Rep. by its Chief Executive Officer,
No.1, Jaffersyrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

3.The Superintendent of Waqf,
Tamil Nadu Waqf Board,
No.1, Town Hall Road Main Building
2nd Floor, Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the respondents to approve the Adhoc Administration Committee and Office Bearers recommended by the petitioner for peaceful functioning of the Jamath namely, Mohideen Aandavar Palivaasal situated at Melapatti, Chenkarampatti Post, Melur



W.P.(MD) No.8944 of 2024

Taluk, Madurai District by considering his representation dated 22.03.2024 within a period that may be fixed by this Court.

For Petitioner : Mr.S.Mohammed Suhail
for M/s.Ajmal Associates

For Respondents : Mr.G.Chandrasekar
Standing Counsel

ORDER

Mr.G.Chandrasekar, learned Standing Counsel, takes notice for the respondents. With the consent of the learned counsel for the petitioner and the learned Standing Counsel for the respondents, this Writ Petition is disposed of, at the time of admission.

2. This Writ Petition has been filed for issuance of a Writ of Mandamus directing the respondents to approve the Adhoc Administration Committee and Office Bearers recommended by the petitioner for peaceful functioning of the Jamath namely, Mohideen Aandavar Palivaasal situated at Melapatti, Chenkarampatti Post, Melur Taluk, Madurai District by considering his representation dated 22.03.2024.



W.P.(MD) No.8944 of 2024

WEB COPY

3. Earlier, one Mr.A.Syed Pakrudeen had approached this Court in W.P.(MD) No.16698 of 2020, wherein, the petitioner was arrayed as sixth respondent. The said Writ Petition was filed for the following relief.

“To issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 13.10.2020 passed by the fourth respondent in the peace committee proceedings conducted in respect of taking charge of Trusteeship of Mohaideen Andavar Pallivasal, Sennagarampatti village, Melur taluk, Madurai District and quash the same and consequently direct the respondents 6 to 8 to handover the trusteeship of the pallivasal as per the judgement and decree passed in O.S.No.288 of 1940 on the file of district Munsif Court, Melur.”

4. After the said Writ Petition was filed, one Mr.A.Katharkani filed W.P.(MD) Nos.7915 & 15266 of 2021 before this Court for the following reliefs:

“W.P.(MD) No.7915 of 2021 : *“To issue a Writ of Mandamus, to direct the respondents 1 to 3 to implement the decision taken in the peace committee meeting passed by the third respondent dated 13.10.2020 and permit the petitioner to function as Muthavalli up to December, 2023 and consequently direct the respondents 1 to 3 restrain the fourth respondent and his office bearers from interfering the peaceful functioning of the petitioner as a Muthuvalli at the Jamath namely Mohideen Aandavar*



WEB COPY



W.P.(MD) No.8944 of 2024

Pallivaasal situated at Melapatti, Chenakarampatti post, Melur Taluk, Madurai District within the time stipulated by this court.

W.P.(MD) No.15266 of 2021 : *To issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order in Na.Ka.No.G.S. 224/Madurai/VaAA/2021 dated 18.08.2021 on the file of the second respondent and quash the same as illegal and consequently direct the Respondents 1 to 3 to implement the peace committee order by the third respondent dated 13.10.2020 and permit the Petitioner to function as Muthavalli up to December, 2021 at Petitioner's Jamath namely Mohideen Aandavar Pallivaasal situated at Melapatti, Chenakarampatti Post, Melur Taluk, Madurai District."*

5. After hearing the petitioners therein as also the other respondents, the following order was passed in the said Writ Petitions:

"6. Considering the fact that the time stipulated for holding the election on 25.08.2021 had already expired, liberty is given to the respondents to issue a fresh notice for fresh election in accordance with law. In case, the petitioner is aggrieved by any elections that are held in accordance with the provisions of the Wakf Act, 1995, it is open for the petitioner to approach the Wakf Tribunal. The respondents shall endeavour to conduct election within a period of six months from the date of receipt of copy of this order.

7. In view of the above, W.P.(MD).Nos.7915 and 15562 of 2021 stand dismissed whereas,



W.P.(MD) No.8944 of 2024

*W.P(MD).No.16698 of 2020 stands closed. No costs.
Consequently, the connected miscellaneous petitions
are closed.”*

6. It appears that the Superintendent of Wakf Board had recommended for appointment of an interim committee to administer the affairs of the said Wakf namely, Mohideen Aandavar Palivaasal situated at Melapatti, Chenkarampatti Post, Melur Taluk, Madurai District. However, they did not appoint as there are rival groups and there is an internal power struggle.

7. The request of the petitioner to approve Adhoc Administration Committee and Office Bearers recommended by the petitioner for peaceful functioning of the Jamath namely, Mohideen Aandavar Palivaasal situated at Melapatti, Chenkarampatti Post, Melur Taluk, Madurai District by considering his representation dated 22.03.2024 cannot be considered at straightway.

8. At best, there can be no impediment for the respondents to take stock of the situation prevailing in the aforesaid pallivasal for proper selection of the office bearers of the aforesaid pallivasal in accordance



W.P.(MD) No.8944 of 2024

with the proforma. The respondents are directed to take steps to ensure that fighting parties participate in the selection process as per the proforma of the Wakf. This exercise shall be carried out by the respondents within a period of 30 days from the date of receipt of a copy of this order.

9. The respondents are at liberty to seek police protection, if necessary, while entering into the Wakf for completion of selection process. The police is directed to give a protection whenever the respondents seek for a police protection.

10. This Writ Petition stands disposed of. No costs.

10.04.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order

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Copy To:

1.Joint Commissioner (Appeals),
O/o. Commissioner of GST and Central Excise (Appeals),
Coimbatore, Circuit Office,



W.P.(MD) No.8944 of 2024

No.4, Lal Bhadur Shashtri Marg,
C.R. Building, Madurai – 625 002.

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2.The Assistant Commissioner of CGST & Central Excise,
Tuticorin Division,
Madathur, Tuticorin – 628 002.



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W.P.(MD) No.8944 of 2024

C.SARAVANAN, J.

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W.P.(MD) No.8944 of 2024

10.04.2024