



W.P.(MD) No.10382 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.04.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.10382 of 2022

and

W.M.P.(MD) Nos.7387 and 7388 of 2022

Janab M.Sheik Mujibur Rahman

... Petitioner

Vs.

- 1.The Tamil Nadu Waqf Board,
Rep. by its Chairman,
No.1, Jaffer Syrong Street,
Mannady, Chennai – 1.
- 2.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffer Syrong Street,
Mannady, Chennai – 1.
- 3.The Waqf Inspector,
Tamil Nadu Waqf Board,
Tanjore Zone,
Thivan Nagar,
Court Road (Pallivasal Opposite),
Tanjore.
- 4.Nazir Ahammed
- 5.Abdul Rasheed
- 6.Mohammed Igbal
- 7.Nazir Ahameed
- 8.T.Kuthbutheen



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9.The Superintendent,
Tamil Nadu Waqf Board,
Tanjore Zone,
Thivan Nagar, Court Road (Pallivasal Opposite),
Tanjore.

... Respondents

[R9 is impleaded as per order dated 14.02.2023 in
W.M.P.(MD)No.23378 of 2022]

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records to the proceedings in Na.Ka.No.5708/15/Aa7/Thanchai, dated 09.05.2022, quash the same and consequently, direct the second respondent to follow the Waqf Act to remove the internal committee from the appointment of Muthavalli order dated 29.11.2021 of Baharsha Oli Thaikkal at Rajakiri, Papanasam Taluk, Tanjore District.

For Petitioner : Mr.P.Muthusamy

For R1 to R3 & R9 : Mr.G.Chandrasekar
Standing Counsel

ORDER

The impugned order herein is the subject matter of O.A.No.23 of 2022 at the behest of one Abdul Hammed, wherein the petitioner herein has been arrayed as the fifth respondent.

2. The case of the petitioner is that he is a Hereditary Muthavalli of Hasrath Baharsha Oli Tharga alias Mahilambo Thaigal at Rajakiri and



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that the petitioner's ancestors were the Hereditary Muthavallis of the Mosque from time immemorial and that it is under the control of the Tamil Nadu Waqf Board in terms of G.O.No.340 / TANJORE.

3. It is submitted that earlier one Abdul Sukkur was appointed as a head of the Committee, who misappropriated funds and sold the Waqf properties and thus, the Management was changed to the direct Management to the Waqf Board and it was under the management of Inspector of Waqf Board.

4. It is submitted that the respondent Board has only power to appoint a Muthavalli, but not a Committee Member. It is further submitted that the second respondent has passed the impugned order only to disturb the activities of the petitioner.

5. It is noticed that the issue is now pending before the Waqf Tribunal, Chennai, in O.A.No.23 of 2022 at the behest of one Abdul Hammed, wherein the petitioner herein is arrayed as the fifth respondent. If advised, the petitioner can also challenge the same or make suitable submissions in O.A.No.23 of 2022.



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6. In view of the above, the petitioner to work out his remedy in O.A.No.23 of 2022 before the Waqf Tribunal, Chennai, or in alternative, to file a petition similar to that of the said Abdul Hammed under Section 83 of the Waqf Act, 1995.

7. With the above liberty, this Writ Petition stands closed. No costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes/ No
Neutral Citation: Yes / No
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25.04.2024

To

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C.SARAVANAN, J.

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