



W.P.(MD) No.16288 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.16288 of 2021

and

W.M.P.(MD) Nos.13128 & 13129 of 2021

Melur Konnai Masthan Auliya Dhargah
Pallivasal Nala Sangam,
Represented by its Secretary,
M.Shajahan, S/o.Musthafa,
Regn. No.156/2014,
No.42-A, Anumar Kovil Street,
Melur Town, Madurai District.

... Petitioner

Vs.

- 1.The Chief Executive Officer,
Wakf Board, Teynampet,
Chennai.
- 2.The Superintendent of Wakfs,
Office of the Superintendent of Wakfs,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorari calling for the records pertaining to the impugned order passed by the first respondent vide notice dated 13.07.2021 under Section 41 of the Wakf Act, 1995 insisting the petitioner's society to apply for registration to the Wakf and quashing the same.



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For Petitioner : Mr.M.Eswaran

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

ORDER

The petitioner has challenged the impugned notice dated 13.07.2021 issued by the first respondent Chief Executive Officer of the Wakf Board, under Section 41 of the Wakf Act, 1995.

2. By the impugned notice, the petitioner was directed to file an application in the format as provided under Regulation 9 of the Tamil Nadu Wakf (General) Regulations, 2019, for registration of Wakf as envisaged under Section 36 of the Wakf Act, 1995, within period of 15 days from the date of receipt of the impugned notice. The copy of the format was also annexed with the impugned notice.

3. The case of the petitioner appears to be that there is no permanent dedication by any person professing the Islam and that there are no movable or immovable properties by any person professing Islam who has gifted the property in favour of the said Dhargah. It is submitted that there were no grants for the Pallivasal or the Dhargah and no property is



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dedicated and has also not under recognized by any tenets of Muslim Law as pious, religious or charitable and wakf.

4. It is further case of the petitioner that the petitioner is a society and the Wakf Board had nothing to do with the petitioner society and that the petitioner society is not a gazette surveyed and public wakf as there is no dedication and there are no grants for the Pallivasal or the Dhargah and therefore, the petitioner society has not chosen to register the Dhargah with the respondents under Section 36 of the Wakf Act, 1995.

5. The learned counsel for the petitioner submits that he has no instructions.

6. There is no merit in the present Writ Petition as admittedly religious activities are being conducted in the Dhargah. Therefore, this Writ Petition is liable to be dismissed and is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

05.04.2024

Index: Yes/ No
Neutral Citation: Yes / No
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C.SARAVANAN, J.

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