



W.P.(MD)No.22065 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2024

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.22065 of 2024
and
W.M.P.(MD)No.18686 of 2024

S.Mohammed Kadar Khan Pani

... Petitioner

Vs.

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

2.Mohamed Abubakar @ Shameer

... Respondents

(R-2 is suo motu impleaded vide Court Order dated 18.09.2024 in W.P.(MD)No.22065 of 2024)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent Board to revoke the direct management of the board for the administration of Khanumiah Pallivasal @ Sha Ali Nuktha Mosque (GS No.683/TNV) and to permit the petitioner to function as the hereditary mutawalli of the said waqf by considering the petitioner's representation dated 09.07.2024 in the light of the order made by



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this Court in *Khadar Shariff Vs. Tamil Nadu State Wakf Board*, AIR 1987 Mad 40 within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Athiff

For R-1 : Mr.D.S.Haroon Rasheed
Standing Counsel

For R-2 : Mr.K.Navaneetha Raja

ORDER

The present Writ Petition is filed praying for a Mandamus, directing the respondent Board to revoke the direct management of the board for the administration of Khanumiah Pallivasal @ Sha Ali Nuktha Mosque (GS No. 683/TNV) and to permit the petitioner to function as the hereditary mutawalli of the said waqf by considering the petitioner's representation dated 09.07.2024 in the light of the order made by this Court in the case of *Khadar Shariff Vs. Tamil Nadu State Wakf Board* reported in *AIR 1987 Mad 40*.

2. At the outset, it is submitted by the learned counsel for the respondent Board that the representation of the petitioner would be considered and orders would be passed thereon in accordance with law. The same is acceded to by the learned counsel for the petitioner.



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3. In view thereof, 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 board to consider the representation of the petitioner dated 09.07.2024, on its own merits and pass appropriate orders in accordance with law, after issuing notice to the petitioner, second respondent and any other interested parties / stake holders, within a period of eight 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.

4. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

16.10.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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MOHAMMED SHAFFIQ, J.

Nsr

To:

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

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