



W.P.(MD).No.22887 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2024

CORAM

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.(MD).No.22887 of 2024

Mohyudeen Abdul Qadir

... Petitioner

Vs.

1.The Tamilnadu Wakf Board,
Represented by its Chief Executive Officer,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

2.The Superintendent of Wakf,
Ramanathapuram Region,
No.176/11, First Floor,
Therpasayanam Road,
Chinnakadai Street,
Velipattinam,
Ramanathapuram District.

3.Aavul Ansari

4.Mohameed Hatheem

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to take necessary action as against the respondents 3 and 4 based on the petitioner's legal notice dated 12.08.2024 in respect of excommunication and to



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ensure the marriage registration of the petitioner's daughter which going to be held on 24.10.2024 in the Nikkah Register Book maintained by the third and fourth respondents.

For Petitioner : Mr.K.Yasar Arafath
For R-1 & R-2 : Mr.G.Chandrasekar

ORDER

The present Writ Petition is filed for Mandamus directing the respondents 1 and 2 to take necessary action as against the respondents 3 and 4 based on the legal notice dated 12.08.2024 in respect of excommunication and to ensure that the marriage of the petitioner's daughter to be held on 24.10.2024 is registered in the Nikkah Register Book maintained by the third and fourth respondents.

2. It is submitted by the learned counsel for the petitioner that the petitioner is a member of the Mohideen Aandavar Tholugai Pallivasal Jamath. The petitioner is working as a Professor at Annai Kathija Arts and Science College in Ammapattinam, Pudukottai District and established a Trust called the Al Falah Charitable Trust vide registered Document No.21/2022 on the file of Sub Registrar, Rameshwaram. The said Trust was formed for the purpose of providing free education to the Islamic students. It is alleged that the third and



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fourth respondents, being the Mutawalli and Secretary of the Jamath, asked the petitioner to stop providing education to Muslim students. The petitioner has been paying tax (santha) to the Jamath for several years. However, since 2022, the third and fourth respondents are refusing to accept the same by stating that the petitioner's family has been excommunicated. Hence, the petitioner submitted a representation before the first and second respondents on 26.12.2023 seeking to take necessary action against the respondents 3 and 4. The petitioner had also sent a legal notice dated 12.08.2024 to the first and second respondents as well as the Jamath for taking necessary action as against the third and fourth respondents in respect of excommunication. Since no action was taken, the present Writ Petition is filed.

3. At the outset, it is submitted by the learned counsel for the respondents 1 and 2 that the petitioner's representation would be considered and orders would be passed in accordance with law within a period of two weeks, which was accepted by the learned counsel for the petitioner.

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,



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there shall be a direction to the respondents 1 and 2 to consider the petitioner's representation dated 26.12.2023 and the legal notice dated 12.08.2024, 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 two (2) weeks from today. 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.

26.09.2024

Index : Yes / No
Internet : Yes/ No
Lm

Note: Issue order copy by 27.09.2024.



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MOHAMMED SHAFFIQ, J.

Lm

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