



W.P(MD)No.23171 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2024

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P(MD)No.23171 of 2023

H.Syed Madani

... Petitioner

Vs.

1.The Tamil Nadu Wakf Board,
By its Chairman,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.

2.The Wakf Superintendent,
No.8/124, Kaithemilath Road,
Palakkarai, Trichy-620 008.

3.The Executive Officer,
West Chinthamani Mosque,
Trichirappalli,
Office at Wakf Board Office,
No.8/124, Kaithemilath Road,
Palakkarai, Trichy-620 008.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to conduct appropriate enquiry as required under law and to appoint Mutawalli in respect of West Chinthamani Mosque and Wakf, Trichirappalli within a time frame to be fixed by this Court.



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W.P(MD)No.23171 of 2023

For Petitioner : Mr.K.S.Kathiravan

For Respondents : Mr.G.Chandrasekar
Standing Counsel

ORDER

The present writ petition is filed for Mandamus directing the first respondent to conduct appropriate enquiry as required under law and to appoint Mutawalli in respect of West Chinthamani Mosque and Wakf, Tiruchirappalli.

2. It was submitted that one Rustum Bi executed a wakf deed on 03.06.1881 and dedicated her property situated in Survey No.8 of Mallachipuram Village, Trichirappalli District in favour of Chinthamani Mosque, Trichirappalli. According to the said deed, the office of Mutawalli will be held by the descendants of the Wakif Rustom Bi by way of hereditary succession. In the meantime, the petitioner herein was appointed as Mutawalli of the said wakf since 2002 and was maintaining the properties in consonance with the wakf deed without any blemish.



W.P(MD)No.23171 of 2023

WEB COPY

3. Due to alleged interference of the first respondent on instigation of some third parties, the petitioner along with few others were constrained to institute an original petition before the Wakf Tribunal in Wakf O.P.No.09 of 2003 seeking recognition of hereditary succession to the office of Mutawalli, appointment of Mutawallis from the descendants of the Wakif Rustum Bi. The said wakf O.P was dismissed by the Wakf Tribunal by an order, dated 06.11.2006.

4. Challenging the said order, the petitioner and others filed a revision petition before this Court in C.R.P(MD)No.748 of 2008. This Court, by an order, dated 24.02.2021 was pleased to set aside the order of the wakf Tribunal and allowed the claim of hereditary succession to the office of Mutawalli of Chinthamani Mosque, Trichy and also held that the appointment of Mutawallis shall be made from the descendants of Wakif Rustum Bi. This Court further held that the deed executed by the wakf Rustum Bi on 03.06.1881 is a wakf deed and directed the first respondent herein to decide the qualification and appointment of the petitioner or any other descendants of wakif Rustum Bi as Mutawalli to the above said wakf.



W.P(MD)No.23171 of 2023

WEB COPY

5. Since no action has been taken by the first respondent herein to conduct appropriate enquiry to decide upon the issue of appointment of Mutawalli in respect of said Wakf, the petitioner submitted a representation to the first respondent on 23.03.2023. Since the said representation was not considered, the present writ petition is filed.

6. It was submitted by the learned Standing Counsel appearing for the respondent Board that the representation of the petitioner would be considered and orders would be passed within a period of two (2) months from the date of receipt of a copy of this order, which was agreed to by the learned counsel for the petitioner.

7. Recording the same, this writ petition stands disposed of with a direction to the first respondent to consider the petitioner's representation dated 23.03.2023 and pass orders on merits and in accordance with law within a period of two (2) months 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



W.P(MD)No.23171 of 2023

WEB COPY

representation on its own merits and in accordance with law. There shall be no order as to costs.

12.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

- 1.The Tamil Nadu Wakf Board,
By its Chairman,
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W.P(MD)No.23171 of 2023

MOHAMMED SHAFFIQ, J.

BTR

W.P(MD)No.23171 of 2023

12.08.2024