



W.P.No.7126 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2025

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CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

Writ Petition No.7126 of 2025
and W.M.P.No.7948 of 2025

Samsudeen

... Petitioner

Vs.

1. The Tamil Nadu Wakf Board,
Rep. by the Chief Executive Officer,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar, Chennai - 1.
2. The Superintendent,
Noor Mohamed Sha Aluya Darga Complex,
No.512, Gandhi Nagar,
Panruttu, Cuddalore District.
3. The Inspector,
Noor Mohamed Sha Aluya Darga Complex,
No.512, Gandhi Nagar, Panruttu,
Cuddalore District.
4. The Muthavalli/Trust,
Ameen Beer Darga,
No.74/1, South Street,
Chidambaram, Cuddalore District.
5. Syed Anwar Ahmaed Hussiani

... Respondents



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PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, to direct the first respondent Board to initiate proceedings against the 5th respondent based on the petitioner's representation dated 14.02.2025 with regard to Muthavalli dispute.

For Petitioner : Mr.A.Murthy

For Respondent : Mr.Fakkir Mohideen
Nos.1 to 3

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ORDER

The Writ Petition is filed to direct the first respondent Board to initiate proceedings against the fifth respondent based on the petitioner's representation dated 14.02.2025 with regard to Muthavalli dispute.

2. A perusal of the representation of the petitioner as well as the affidavit filed in this Writ Petition and upon hearing of the learned counsel for the petitioner, it is seen that the grievance of the petitioner is that the fifth respondent is not at all the Muthavalli and he is wrongfully



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occupying the office and the first respondent should enquire into the matter and take action in accordance with law.

3. When the matter came up for hearing, the learned counsel appearing on behalf of the first respondent Board would submit that by virtue of a decree granted in O.S.No.129 of 2009, the fifth respondent is continuing as Muthavalli.

4. Upon perusal of the said decree, it is declared by the said decree that the fifth respondent is the Muthavalli of the concerned Wakf and after getting lawful orders from the Wakf Board, the fifth respondent can function as the Muthavalli. In view thereof, when the Civil Court has specifically framed the issues and answered the issues by a detailed judgment and decree, even if the petitioner is aggrieved, the petitioner has to take such steps only as against the said decree and cannot indirectly now approach this Court seeking a relief of considering the representation. As such, the prayer made in this Writ Petition cannot be countenanced. However, keeping the liberty of the petitioner to take such steps as against the Civil Court's decree as may be permissible under law,



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the Writ Petition stands disposed of. There shall be no order as to costs.

WEB COPY Consequently, connected Miscellaneous Petition is closed.

28.02.2025

ASI

To

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D. BHARATHA CHAKRAVARTHY, J.

ASI

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