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W.P.No.9306 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:17.03.2025

Coram:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.9306 of 2025

and

W.M.P.Nos.10453 and 10454 of 2025

1.Z.Anver Basha,
Son of Zakkariya,
88/19, Pharma Street,
M.R.N. Nagar,
Durugam Road,
Kallakurichi. 606 202.

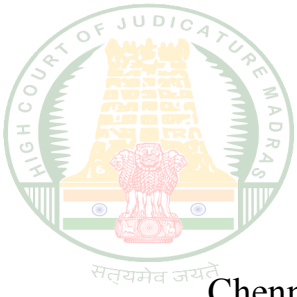
2.K.Mohamed Yasin,
Son of K. Kasim,
Arcot Suithan Biriyan,
Opp to M.K.B. Petrol Bunk,
Dhiyaga Durugam Road,
Kallakurichi - 606 202.

... Petitioners

/versus/

1.The Tamil Nadu Waqf Board
Rep by its Chairman,
No.1, Jaffer Syrang Street,
Valla Seethakathi Nagar,

1/7



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2.The Chief Administrative Officer,
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Valla Seethakathi Nagar,
Chennai - 600 001.

3.The Waqf Superintendent,
Cuddalore Zone,
512, Gandhi Salai,
Dargah Complex, Panruti - 607 102.

4.Jumma Pallivasal Waqf
Rep by Muthawalli,
Keel Thaikka, Durugam Road,
Kallakurichi.606 202.

5.S.M. Sulaiman,
S/o. Sheik Maitheen,
Jummah Pallivasal Waqf,
Kallakurichi District.

... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for records of the impugned order passed by the 2nd respondent dated 04.03.2025 in Se.Mu. Order No.8878/2007/AA10/Vizhu in so far as appointing the 5th respondent as an additional observer to oversee the Ramzan work along with the 3rd respondent and quash the same as illegal, unsustainable



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For Petitioners :Mr.A.Ajimath Begam
For Respondents :Mr.V.R.Vishnu, Asst.by
Mr.Avinash Wadhwani for R1 to R3
M/s R.Sripriya for R4

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ORDER

This Writ Petition has been filed calling for records of the impugned order passed by the 2nd respondent dated 04.03.2025 in Se.Mu.Order No.8878\2007\AA10\Vizhu in so far as appointing the 5th respondent as an additional observer to oversee the Ramzan work along with the 3rd respondent and quash the same as illegal

2. Earlier there was a dispute between the Muthawalli and the additional Muthawallis as to who should be preparing Nombu Kanji and the other essential items for Sehri and Iftar and the mutual allegations were made against each other. Under the said circumstances, this Court passed an order in WP.Nos.7018 and 7339 of 2025, directing that the Superintendent of Waqf and one more devotee be nominated to oversee the said operation



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including the accounts.
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3.The present Writ Petition is filed by the nomination of the devotee. According to the present Writ petitioners, the said devotee namely the 5th respondent herein is an encroacher of the waqf property itself and it was not appropriate for the waqf board to have nominated the 5th respondent. This Court is not deciding the allegations or the mutual rights of the parties and in view of the nature of the order that is passed, this writ petition is disposed of at the admission stage itself without notice to the 5th respondent keeping open to the rights of both the 5th respondent as well as the petitioners. The month of Ramzan has started and 14 days had already over and another 15 days is only remaining.

4.In view thereof, this Court will not interfere with the impugned order. The only contention of the petitioners is that the 5th respondent is an encroacher of the waqf property. It is seen that the petitioners have made a representation in this regard on 07.07.2014. Therefore, the same be

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considered by the respondents 1 and 2 in the manner known to law.

Needless to mention that while taking up the said petition for enquiry, due notice will be issued to the petitioners as well as the fifth respondent and both of them will be entitled to place their respective cases before the respondents 1 and 2, who decide the matter strictly in accordance with law.

The said exercise shall be completed within a period of 12 weeks from the date of receipt of the web copy of the order without waiting for the certified copy of the order. No costs. Consequently, connected Miscellaneous Petitions are closed.

17.03.2025

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Neutral citation:yes/no

To

1.The Tamil Nadu Waqf Board
Rep by its Chairman,
No.1, Jaffer Syrang Street,
Valla Seethakathi Nagar,
Chennai- 600 001.

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2.The Chief Administrative Officer,
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3.The Waqf Superintendent,
Cuddalore Zone,
512, Gandhi Salai,
Dargah Complex, Panruti - 607 102.

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Rep by Muthawalli,
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