



W.P.(MD)No.5284 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5284 of 2025

and WMP (MD) No.3876 of 2025

E.Sheik Mohamed

: Petitioner

Vs.

1. The Chairman,
Tamilnadu Wakf Board,
No. 1, Jaffar Syrang Street,
Vallal Seedhakathi Nagar,
Chennai 600 001.

2. The Chief Executive Officer,
Tamilnadu Wakf Board,
No. 1, Jaffar Syrang Street,
Vallal Seedhakathi Nagar,
Chennai 600 001.

3. The Superintendent of Waqf,
Trichy Zone,
No.8/124, 2nd Floor,
Quide Millath Road,
Palakkarai, Trichy 8.

4. The Inspector of Waqf,
Trichy Zone,
No.8/124, 2nd Floor,
Quide Millath Road,
Palakkarai, Trichy 8.

: Respondents



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PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to conduct an enquiry, based on the petitioners representation dated on 29.12.2024 submitted to the respondent and direct the respondents to pass an order on the petitioners representation.

For Petitioners : Ms.G.Kalaivani

For Respondents : Mr.K.K.Senthil

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to conduct an enquiry, based on the petitioner's representation dated 29.12.2024.

2. The petitioner alleges that he is presently running the administration of Haji Pichai Moideen Rawther Waqf, Trichy. The fourth respondent, along with other male descendants of the founder of the Charitable Trust, intends to remove the petitioner from the administration of the said Waqf, Trichy. In this regard, the petitioner submitted a representation to the respondents, requesting recognition to administer the Waqf. However, since no action has been taken on the representation, the petitioner has now approached this Court by filing the present Writ Petition.



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3. Heard both sides.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the respondents to consider the petitioner's representation dated 29.12.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of four weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its



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views with regard to the merits of the matter and that it is open to the respondents to consider the same on its own merits.

6. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

27.02.2025

Index : Yes / No

Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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