



W.P.(MD)No.5868 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5868 of 2025

S.A.Azad

: Petitioner

Vs.

1. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Kokkirakulam,
Tirunelveli - 627 009.

2. The Superintendent of Waqfs,
Tamil Nadu Waqf Board,
No.51/30, Khader Awaliya Pallivasal Compound,
Tiruvanandapuram Road,
Kulavanikarpuram,
Tirunelveli - 627 006.

3. Jm. Latheef

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to consider the petitioner representation dated 13.01.2025 to the petitioner by fixing the stipulated time by this Hon'ble Court.



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For Petitioner : Mr. A.J.Taslim Arif

For Respondents : Mr.S.A.Ajmal Khan

for R2

Mr.J.K.Jayaselan

Government Advocate for R1

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 13.01.2025, within a specified time frame.

2.The petitioner claims that he is the Secretary/Muthawalli of M/s. Periya Huthba Pallivasal at Melapalayam, Tirunelveli District. The petitioner's grievance is that the third respondent illegally trespassed into the petitioner's office and interfered in the affairs of the Waqf institution. The petitioner further alleges that the third respondent has misappropriated the funds collected from the public. Consequently, the petitioner submitted an application under Section 68 of the Waqf Act, but no action has been taken on the said application. Aggrieved by this, the petitioner submitted a representation dated 13.01.2025 to the first



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respondent. However, since no action has been taken on his representation, the petitioner has now filed the present writ petition.

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 first respondent to consider the petitioner's representation dated 13.01.2025, 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,



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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 views with regard to the merits of the matter and that it is open to the first respondent 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.

05.03.2025

Index : Yes / No

Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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