



W.P.(MD)No.6701 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.6701 of 2025

M.K.M.Syed Ahmed Kabeer

: Petitioner

Vs.

1. The Chief Executive Officer,
Tamil Nadu Waqf Board,
Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai.

2. The District Registrar of Societies,
Palayamkottai,
Tirunelveli District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to consider and pass orders on the petitioners representation dated 17.01.2025 regarding preliminary objections as to the enquiry conducted by the 1st respondent within the time that may be stipulated by this Honourable Court.

For Petitioners : Mr.M.Mahaboob Athiff

For Respondents : Mr.K.K.Senthil for R1

Mr.N.Ramesh Arumugam for R2



W.P.(MD)No.6701 of 2025

WEB COPY

ORDER

This Writ Petition has been filed seeking a direction to the first respondent to consider and pass orders on the petitioner's representation dated 17.01.2025, regarding preliminary objections as to the enquiry conducted by the first respondent within a specified time frame.

2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner claims to be the President of the Muslim Orphanage Committee, Tirunelveli, which is a Society registered under the Tamil Nadu Societies Registration Act. The petitioner's grievance is that one S. Jaffar Ali, who was removed from the membership of the Society, filed a writ petition in WP(MD) No.24711 of 2018, seeking to have the Society struck off from the register of Societies. Subsequently, the first respondent is attempting to pass orders under Section 40 of the Tamil Nadu Societies Registration Act, 1995. In this regard, the



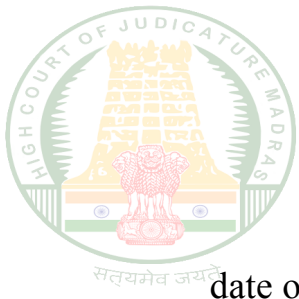
W.P.(MD)No.6701 of 2025

WEB COPY

petitioner submitted a representation/objections on 17.01.2025, which has not been addressed till date. Left with no other recourse, the petitioner has filed the present writ petition.

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/objections dated 17.01.2025 and pass appropriate orders solely on its own merits and 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 eight weeks from the



W.P.(MD)No.6701 of 2025

WEB COPY

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.

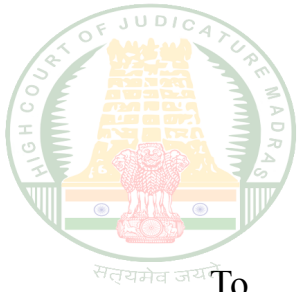
6. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

13.03.2025

Index : Yes / No

Internet : Yes / No

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W.P.(MD)No.6701 of 2025

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W.P.(MD)No.6701 of 2025

VIVEK KUMAR SINGH, J.

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W.P.(MD) No.6701 of 2025

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