



W.P.(MD)No.7820 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.7820 of 2025

Nagoor Pitchai

: Petitioner

Vs.

The Tamil Nadu Waqf Board,
Rep. by its Chairman,
Jaffar Syrang Street,
Vallal Seedhakathi Nagar,
Chennai 600 001.

: Respondent

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to consider and pass orders on the petitioner's statutory application dated 11.06.2024 under Section 42 of the Waqf Act, 1995, within the time.

For Petitioners : Mr.M.Mahaboob Athiff

For Respondent : Mr.S.A.Ajmal Khan

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondent to consider and pass orders on the petitioner's statutory application dated 11.06.2024 under Section 42 of the Waqf Act, 1995, within the specified time frame.



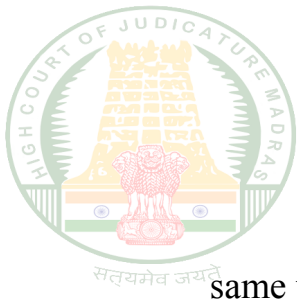
W.P.(MD)No.7820 of 2025

WEB COPY

2. The petitioner claims to be the President of the petition-mentioned Waqf. Pursuant to the order passed by this Court on 20.09.2024 in W.P.(MD) No. 20217 of 2024, the earlier election notification was quashed. Thereafter, the petitioner filed an application dated 11.06.2024 under Section 42 of the Waqf Act, intimating the change in management along with a copy of the resolution of the general body of the Waqf seeking approval for the Mutawalliship. However, since no action has been taken on the representation, the petitioner has now approached this Court by filing the present writ petition.

3. Heard both sides.

4. It is needless to point out that whenever a representation/application 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



W.P.(MD)No.7820 of 2025

WEB COPY

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 application dated 11.06.2024, 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 three months 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 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.

21.03.2025

Index : Yes / No

Internet : Yes / No

PKN

To

The Tamil Nadu Waqf Board,
Rep. by its Chairman,
Jaffar Syrang Street, Vallal Seedhakathi Nagar,
Chennai 600 001.



WEB COPY



W.P.(MD)No.7820 of 2025

VIVEK KUMAR SINGH, J.

PKN

W.P.(MD) No.7820 of 2025

21.03.2025