



**W.P.(MD).No.12633 of 2025**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 29.04.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH**

**W.P.(MD)No.12633 of 2025**

M.Thangappa,  
President,  
Muhaideen Andavar Periya Pallivasal and  
Pudhur Khadar Auliya Dargah Waqf,  
3W/24, Bodinayakannur,  
Theni District.

... Petitioner

-VS-

The Tamil Nadu Waqf Board,  
Rep. by its Chief Executive Officer,  
The Tamil Nadu Waqf Board,  
No.1 Jafer Syrang Street,  
Vallalseethakathi Nagar,  
Chennai.

... Respondent

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1<sup>st</sup> respondent to grant approval to the petitioner's mutawalliship by considering and passing orders on the petitioner's statutory application dated 13.10.2023 under Section 42 of the Unified Waqf Management, Empowerment and Efficiency Development Act, 1995 within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondent : Mr.S.A.Ajmalkhan



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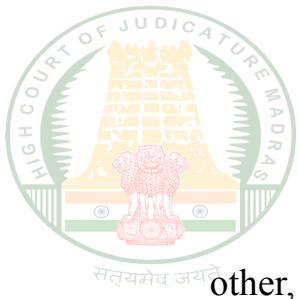
**ORDER**

This writ petition has been filed seeking a direction to the 1<sup>st</sup> respondent to grant approval to the petitioner's mutawalliship by considering the petitioner's statutory application dated 13.10.2023 and passing orders on the same, under Section 42 of the Unified Waqf Management, Empowerment and Efficiency Development Act, 1995.

2. By consent of both parties, this writ petition is disposed at the stage of admission itself.

3. The petitioner is elected as “muthawalli” of Muhaideen Andavar Periya Pallivasal and Pudhur Khadar Auliya Dargah Waqf and selection of new office bearers have also been done. Hence, the petitioner made a representation dated 13.10.2023 to the respondents to grant approval for the same. Since the said representation was not considered, 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



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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 respondent to consider the petitioner's representation dated 13.10.2023, on its own merits and pass appropriate orders in accordance with law, 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 respondents to consider the same on its own merits.

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

**29.04.2025**

NCC : Yes/No  
Index : Yes / No  
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**VIVEK KUMAR SINGH, J.**

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**TO:-**

The Chief Executive Officer,  
Tamil Nadu Waqf Board,  
The Tamil Nadu Waqf Board,  
No.1 Jafer Syrang Street,  
Vallalseethakathi Nagar,  
Chennai.

Order made in  
**W.P.(MD)No.12633 of 2025**

Dated:  
**29.04.2025**