



W.P.(MD).No.18346 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.18346 of 2023

K.Syed Ahamed Kabeer

...Petitioner

Vs

- 1.The Tamil Nadu Wakf Board,
Represented by its Chairman,
No.1, Jafar Sirang Street,
Vallal Seethakathi Nagar,
Behind Singaravelar Maligai,
Chennai - 600 001.
- 2.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jafar Sirang Street,
Vallal Seethakathi Nagar,
Behind Singaravelar Maligai,
Chennai - 600 001.
- 3.The Wakf Superintendent,
No.1, Town Hall Road Jamath Pallivasal,
2nd Floor, Town Hall Road,
Madurai - 625 001.
- 4.The Joint-I Sub Registrar,
Madurai South,
Palace Road, East Gate,
Madurai - 625 001.



W.P.(MD).No.18346 of 2023

WEB COPY

5.The Muthavalli,
Karimsha Pallivasal Wakf,
No.1, Munichalai Road,
Madurai - 625 009.

6.The Muthavalli / Managing Committee,
Fathimuthujohara (Rali) Madarasseniswan,
No.28, Karimshapallivasal, 2nd Street,
Munichalai Road,
Madurai - 625 001.

... Respondents

(R-6 is impleaded vide Court Order dated 29.11.2024 in W.M.P.(MD)No. 21612 of 2024 in W.P.(MD)No.18346 of 2023)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to conduct enquiry and pass appropriate orders for registration of property in Document Nos.2440/1995 dated 02.06.1995 and 2491 of 1995 dated 05.06.1995 on the file of the fourth respondent in the Waqf register maintained by the third respondent based on the petitioner's representation dated 20.07.2023.

For Petitioner : Mr.M.Seeni Sulthan

For R-1 to R-3 : Mr.S.A.Ajmal Khan
Standing Counsel

For R-5 : Mr.K.Gokul

For R-6 : Mr.K.Chengizkhan



WEB COPY



W.P.(MD).No.18346 of 2023

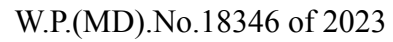
ORDER

Heard learned counsels on either side.

2. The prayer in the Writ Petition is seeking for Mandamus to conduct an enquiry with regard to the property which it is using for education purposes.

3. The learned counsel for the petitioner would submit that the power is vested under Section 40 of the Wakf Act to carry out such enquiry. Since the representation is pending with the first respondent, the first respondent ought to have consider the representation filed by the petitioner which has been pending from the year 2023.

4. On the contrary, the learned counsel appearing for the sixth respondent would submit that the property does not belong to the fifth respondent but only to the sixth respondent, which is a registered trust. The property is not being dedicated for any purposes more definitively defined under Section 2(r) of the Wakf Act. The said property is used for



5. Since the disputed question of facts raised by the petitioner and the fifth respondent regarding the nature of use of the property, and considering the provisions of Section 40 of the Act, which empowers the Wakf Board to decide on the nature of the property, it is imperative that the Wakf Board is directed to consider the claim of the petitioner as well as the sixth respondent.

6. In such view of the matter, there shall be a direction to the first respondent to consider the representation of the petitioner dated 20.07.2023 within a period of four months from the date of receipt of a copy of this order. It is made clear that the Wakf Board shall put on notice any interested persons including the sixth respondent before passing any orders on the same.



W.P.(MD).No.18346 of 2023

7. With the above said direction, this Writ Petition is disposed of.

There shall be no order as to costs.

08.01.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

- 1.The Chairman,
The Tamil Nadu Wakf Board,
No.1, Jafar Sirang Street,
Vallal Seethakathi Nagar,
Behind Singaravelar Maligai,
Chennai - 600 001.
- 2.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jafar Sirang Street,
Vallal Seethakathi Nagar,
Behind Singaravelar Maligai,
Chennai - 600 001.
- 3.The Wakf Superintendent,
No.1, Town Hall Road Jamath Pallivasal,
2nd Floor, Town Hall Road,
Madurai - 625 001.
- 4.The Joint-I Sub Registrar,
Madurai South,
Palace Road, East Gate,
Madurai - 625 001.



W.P.(MD).No.18346 of 2023

WEB COPY

5.The Muthavalli,
Karimsha Pallivasal Wakf,
No.1, Munichalai Road,
Madurai - 625 009.

6.The Muthavalli / Managing Committee,
Fathimuthujohara (Rali) Madarasseniswan,
No.28, Karimshapallivasal, 2nd Street,
Munichalai Road,
Madurai - 625 001.



WEB COPY



W.P.(MD).No.18346 of 2023

K.KUMARESH BABU, J.

Nsr

W.P.(MD).No.18346 of 2023

08.01.2025