



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.04.2019
CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

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W.P. (MD) No.11504 of 2019
and
W.M.P. (MD) No.8778 of 2019

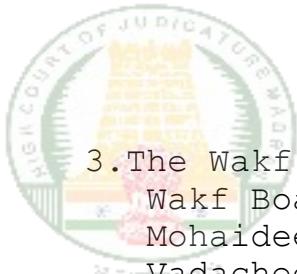
1.S.Saleem
2.A.Kamal Batcha
3.Syed Mohaideen Batcha
4.A.Abdul Ajees
5.Suriya Begam
6.Alima Beevi
7.A.Mohamed Ansari
8.S.Abdul Samad
9.M.K.Balkees Beevi
10.A.Shahul Hamed
11.S.Sabira Beevi
12.Haji A.Sulthan Sayabu
13.A.Shek Dawood
14.Azees Rahman
15.A.Jegabardeen
16.M.R.Jabar Hussain
17.Haji.M.A.Amanullah
18.A.Abdul Samad
19.A.Julaiha Beevi
20.M.A.Mohamed Jabarullah
21.Niseera Begam
22.M.Rabik
23.A.Rahmadhullah
24.M.A.Thambiyappa
25.Haji G.Habeebu Mohamed
26.S.Mohamed Saribu
27.S.Naina Mohamed
28.A.Shek Dawood
29.M.A.Raja Mohamed

... Petitioners

Vs

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jabar Sirang Street,
Vallal Seethakadhi Nagar,
Chennai - 600 001.



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3. The Wakf Inspector,
Wakf Board,
Mohaideen Andavar Periya Pallivasal,
Vadacheery Road,
Pattukottai,
Thanjavur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents 2 and 3 from the charitable customary preparation and distribution of nombu kanji to the worshiper and poorer in the Mohaideen Andavar Periya Pallivasal, Pattukottai during Ramazhan period starting from 06.05.2019 to till the celebration of Ramzan festival by the petitioners and subsequent years also during the Ramzan festival period.

For Petitioners : Mr.P.Thirumahilraman

For Respondents : Mr.M.Rajarajan
Government Advocate for R1

: Mr.T.S.Mohamed Mohideen for R2 & R3

ORDER

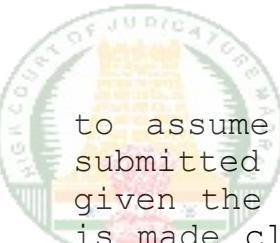
Heard the learned counsel on either side. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2. The subject matter pertains to preparation and distribution of what is known as nombu kanji to the worshipers in the petition mentioned pallivasal during the Ramzan period which commences on 06.05.2019. The petitioners' counsel would point out that this has been customarily going on and that they had been constrained to file this writ petition, on account of the stand taken by the Wakf Board. It is seen that the incumbent Muthavalli was removed and that the Wakf Board has taken direct management of the Pallivasal in the first week of March, 2019.

3. The learned standing counsel appearing for the Wakf Board submitted that Wakf Board itself would perform the petition mentioned charity.

4. I am of the view that the customary practice need not be interfered with and that the petitioners can very well be permitted to perform the petition mentioned charity.

5. At this stage, it is noted that Haji.M.A.Amanullah/17th petitioner herein was the Muthavalli, who was removed from the post. Therefore this Court is of the view that he should not be permitted



to assume any leading role. Thereupon, the petitioners' counsel submitted that the 17th petitioner/ Haji.M.A.Amanullah need not be given the benefit of the order passed by this Court. Therefore, it is made clear that the order now passed will apply to the remaining 28 petitioners and not the 17th petitioner/Haji.M.A.Amanullah, who was removed from the post of Muthavalli.

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6. It is not known whether there are any rival claims for performing the very same charity. If such rival claims are made, the third respondent will collect applications from them also and thereafter the performance of charity will be decided based on lot system. In any event, the entire issue with regard to performance of charity for all the candidates will be decided on or before 04.05.2019.

7. The Writ Petition stands allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

/ True Copy /

Sub Assistant Registrar (CS)

To:

1. The District Collector,
Thanjavur District,
Thanjavur.

2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jabar Sirang Street,
Vallal Seethakadhi Nagar,
Chennai - 600 001.

3. The Wakf Inspector,
Wakf Board,
Mohaideen Andavar Periya Pallivasal,
Vadacheery Road,
Pattukottai,
Thanjavur District.

+1CC to Mr.M.A.Abdul Wahab, Advocate, SR.No.8015

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