



W.P.(MD)No.8613 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :17.04.2023

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD)No.8613 of 2023

S.Sheik Ismail

... Petitioner

Vs.

1.The Tamil Nadu Waqf Board,
Rep by its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallalseethakathi Nagar,
Chennai 600 001.

2.The District Collector,
Karur District,
Karur.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the first respondent to enquire and recover the waqf properties belonging to the Thirumanilayur Mosque Waqf (GS Noi.94/Trichy) by initiating action under Section 52 of the Waqf Act, 1995 by considering the petitioner's representation dated 13.02.2023 within the time that may be stipulated by this Court.



W.P.(MD)No.8613 of 2023

WEB COPY

For Petitioner :Mr.M.Mahaboob Athiff

For Respondents :Mr.S.A.Ajmalkhan
Standing Counsel for R1

:Mr.D.Ghandiraj
Special Government Pleader for R2

ORDER

This writ petition has been filed seeking for a Mandamus directing the first respondent to enquire and recover the waqf properties belonging to the Thirumanilayur Mosque Waqf (GS No.94/Trichy) by initiating action under Section 52 of the Waqf Act, 1995 by considering the petitioner's representation, dated 13.02.2023.

2. It is the case of the petitioner is that he is a resident of Karur and a member of the Thirumanilayur Mosque waqf, which is a notified waqf, under GS.No.94/Trichy. This waqf owns large extents of properties in various survey numbers and the same is reflected in the original proforma of the waqf and the inam fair register. However, the properties have been illegally alienated by the Mutawalli who has appropriated the sale



W.P.(MD)No.8613 of 2023

WEB COPY

consideration and it also appears that the persons to whom the properties have been alienated, have mutated the revenue records into their name. Though the Board has a duty under Section 53 of the Act to retrieve and recover the waqf properties illegally alienated, they have not exercised their rights thereunder despite learning about this illegal alienation.

3. The petitioner submits that he had preferred a statutory application/representation to the first respondent herein on 03.02.2023, calling upon them to recover the waqf property for the benefit of the waqf. Despite receipt of the said representation, the first respondent Board has not taken any action in this regard. Hence, the petitioner has come forward with this writ petition.

4. Considering the limited prayer sought for by the petitioner in this writ petition, this Court directs the first respondent to initiate the enquiry and take necessary steps to recover the property of the waqf which has been illegally alienated, after giving due notice to the parties concerned. The said steps shall be initiated and the process set in motion within a



W.P.(MD)No.8613 of 2023

period of eight weeks from the date of receipt of a copy of this order.

WEB COPY

5. This writ petition stands disposed of on the above terms. There shall be no order as to costs.

17.04.2023

NCC :Yes/No
Internet :Yes/No
Index :Yes/No
sbn

To

1.The Chief Executive Officer,
The Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallalseethakathi Nagar,
Chennai 600 001.

2.The District Collector,
Karur District,
Karur.



WEB COPY



W.P.(MD)No.8613 of 2023

P.T.ASHA, J.

sbn

W.P.(MD)No.8613 of 2023

17.04.2023