

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:20.02.2015

Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL

W.P.No.5388 of 2014

A.Kaleel Rahuman

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffar Sarang Street,
Seethakazhi Nagar,
Mannady, Chennai - 1

2.The Tamil Nadu Wakf Board,
Rep. By its Chief Executive Officer,
No.1, Jaffar Sarang Street,
Seethakazhi Nagar,
Mannady, Chennai - 1.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 2nd respondents to consider the representations dated 04.01.2014 and to conduct enquiry to cause mendment to the proforma Reports of the Mohideen Mohamadan Mosque Inam - Wakf - G.S.No.247/MDU, Mohideen Mosque Inam - Wakf - G.S.248/MDU.

For Petitioner : M/s.Ajimath Begum

For Respondents : Mr.V.Lakshminarayanan

ORDER

According to the Petitioner, the Mohideen Mosque Inam Wakf was created in the year 1863 and the object of the Wakf is to support the Mohideen Mosque situated at Thummalapatti. Further, he is an interested person in the Wakf under Section 3(k) of the Wakf Act, 1995.

2.It is the stand of the Petitioner that there are two Wakfs in Thummalapatti Village viz., (i) Mohideen Mohamadan Mosque Inam Wakf - G.S.No.247/MDU; (ii) Mohideen Mosque Inam Wakf - G.S.No.248/MDU and both were surveyed and notified as Wakf. As a matter of fact, the Wakf owns property in Survey No.770/Kanavoipatti Village measuring an extent of 3.72 acres which is a dry agricultural land and also the wakf also owns property in S.No.771/Kanavoipatti Village measuring an extent of 1.24 acres. In all, the Wakf owns a land measuring an extent of 4.96 acres.

3.It is the further stand of the Petitioner that Mohideen Mosque Inam Wakf which owns property was not duly utilised for maintaining the Mosque and there are two proforma for the Wakf's in G.S.No.247/MDU and G.S.No.248/MDU and further that, in the proforma report for Mohideen Mosque Inam, there is a mistake in the column of Nature of Wakf as pious (a Darga now) instead of pious. Moreover, in the proforma report for the Mohideen Mosque Inam, in column No.5, Original Wakf Deed and Title Deed were noted as 'no title deed and a private wakf'. As a matter of fact, the details mentioned in column 5, 6 & 7 are contrary and as such, they are to be corrected.

4.The real grievance of the Petitioner is that two proforma reports were prepared for single Wakf and in terms of title deed No.771 dated 22.09.1863, the Wakf was created to maintain the mosque and therefore, the property was dedicated for supporting the mosque. But the Wakf Board had prepared the report and in fact, the Board had wrongly separated the mosque and its properties as two separate Wakfs. In this regard, the Petitioner addressed a representation dated 04.01.2014 to the Respondents praying for conduct of an enquiry to cause amendment in the proforma of the Mohideen Mosque Inam Wakf - G.S.No.247/MDU, Mohideen Mosque Inam Wakf - G.S.No.248/MDU. In fact, the 2nd Respondent is to conduct an enquiry to cause an amendment in the proforma reports of the aforesaid Wakfs.

5.Since the representation of the Petitioner dated 04.01.2014 is not yet disposed off and the same is pending as on date, the Petitioner has filed the instant Writ Petition before this Court.

6.In view of the fact that the Petitioner's representation dated 04.01.2014 is pending on the file of the 2nd Respondent/Tamil Nadu Wakf Board, Chennai, this Court, without going into the merits and demerits of the representation of the Petitioner dated 04.01.2014, at this stage, simpliciter, directs the 2nd Respondent to look into the representation of the Petitioner aforesaid and to dispose of the same, by providing adequate opportunity to the Petitioner and others concerned, keeping in tune with the principles of natural justice, within a period of twelve weeks from the date of receipt of copy of this order.

7.With the aforesaid directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

Dated:24.2.15

True Copy

Sub Assistant Registrar

To

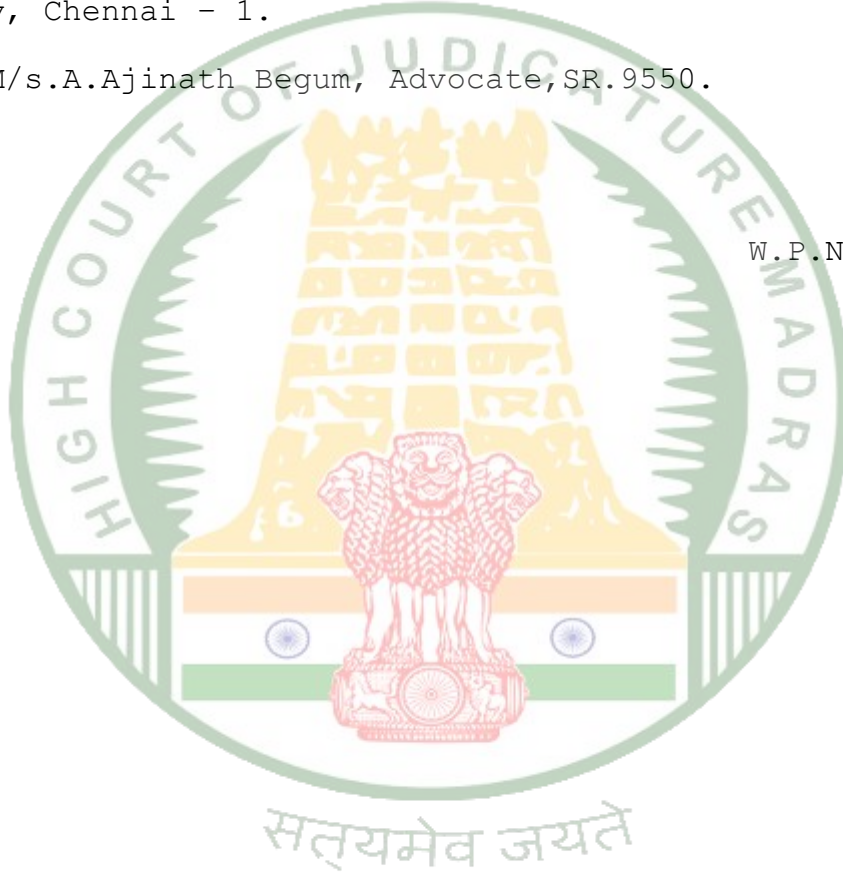
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+1 cc to M/s.A.Ajinath Begum, Advocate,SR.9550.

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