

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.16567 of 2016

R.Hassan Ali Akbar

... Petitioner

Vs.

1.The Tamil Nadu Wakf Board,
Rep.by Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-1.

2.A.V.Nagarajan

3.A.N.Dinesh

4.A.N.Vijayamala

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Madamus to direct the first respondent to dispose of the representation dated 18.03.2016 made by the petitioner seeking recovery of wakf property as per Section 52 of the Wakf Act 1995 from respondents 2 to 4.

For Petitioner :Mr.N.A.Nissar Ahmed

For Respondents :Mr.V.Lakshmi Narayanan R1

ORDER

By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

2. The petitioner has come forward with this Writ Petition seeking for a mandamus upon the 1st respondent to dispose of the representation dated 18.3.2016 made by the petitioner seeking recovery of wakf property as per Section 52 of the Wakf Act 1995 from respondents 2 to 4.

3. It is the case of the petitioner that he is the Muttawalli of Late. Arcot Mohammed Mohammed Wakf Estate, Arcot, Vellore which is a registered and notified wakf under the supervisory control of the 1st respondent viz., the Tamilnadu Wakf Board. The 2nd respondent herein has forged and registered two settlement deeds bearing Doc. No.844 of 2003 in favour of his son, the 3rd respondent herein and Document No.843 of 2003 in favour of his wife, the 4th respondent herein by illegally transferring the Wakf property bearing Door No.43A and 43D, Anna Salai, Arcot.

4. It is the further case of the petitioner that the wakf board had appointed the petitioner as Mutawalli by order dated 17.12.2014 and he was cast upon with a duty to protect the Wakf properties under the Wakf Act. Since the transfer made by the respondents 2 to 4 is in contravention to the provisions of Section 51 of the Wakf Act 1995 the petitioner has made a representation on 18.3.2016 to the 1st respondent to take action against the respondents 2 to 4 and to recover the wakf property as per Section 52 of the Wakf Act 1995, but till date, no action has been initiated. Hence the petitioner has filed the present writ petition.

5. I have heard the submissions of the learned counsel for the petitioner and the learned standing counsel appearing for the 1st respondent.

6. It is seen that the petitioner has given a representation on 18.3.2016 to the 1st respondent and the same is kept pending till date without initiating any action. Hence, this Court, in the interest of justice, without going into the merits of the claim of the petitioner, directs the 1st respondent to take action against the representation of the petitioner dated 18.3.2016 by conducting enquiry after affording an opportunity of personal hearing to the petitioner as well as to the respondents 2 to 4 and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ Petition is disposed of. No costs.
msr

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

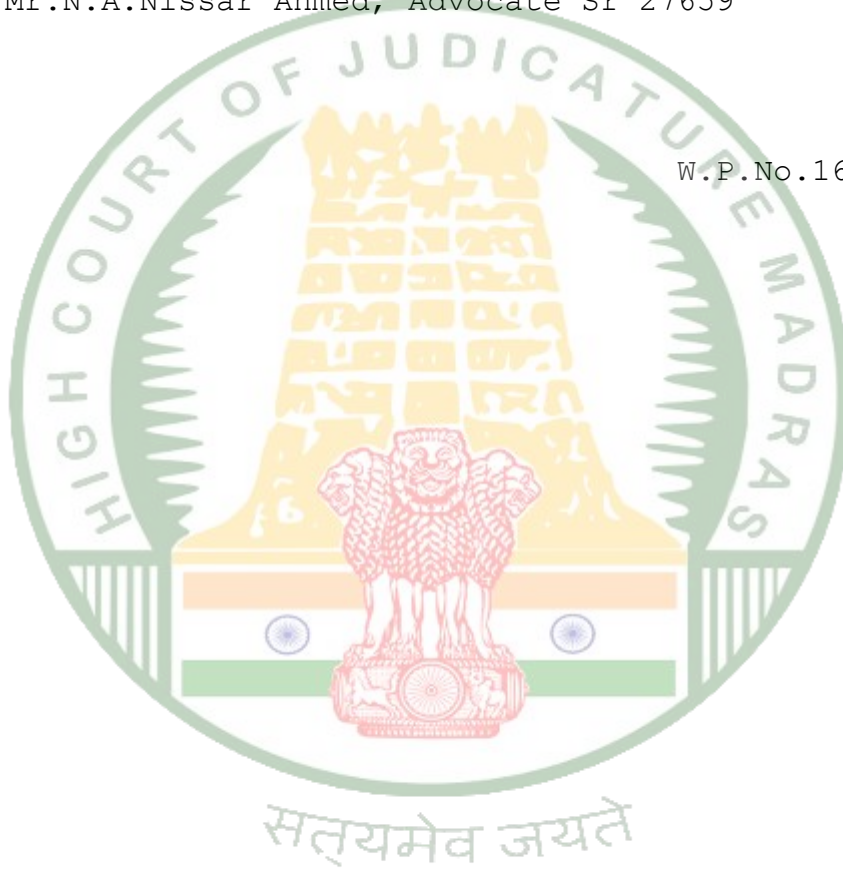
To

The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-1.

+ 1 cc to Mr.N.A.Nissar Ahmed, Advocate Sr 27659

KR/8/6/16

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