

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2016

CORAM

THE HONOURABLE Mr. JUSTICE R.SUBBIAH

WP.No.4296 of 2016

A.Rizwan Hussain,  
S/o.Anwar Basha,  
No.17/2-41, Pensioner Street,  
Thennur, Trichy 620 017

... Petitioner

Vs

1. The Chief Executive Officer,  
Tamilnadu Wakf Board,  
Chennai 600 001

2. The Chairman,  
Tamilnadu Wakf Board,  
Chennai 600 001

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the Respondents to dispose of the petitioner's representation dated 20.01.2016 made to the respondents herein to implement the Recommendations / Report dated 17.12.2015 made by the Superintendent of Wakf for Trichy Region for Tamil Nadu Wakf Board vide Na.Ka.No.3621/15/A5/Trichy, within a reasonable period.

For Petitioner : M/s.Raji and Rajan

For Respondents : Mr.V.Lakshmi Narayanan

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O R D E R

The Writ Petition has been filed seeking a Writ of mandamus directing the respondents to dispose of the petitioner's representation dated 20.01.2016 made to the respondents herein to implement the Recommendations / Report dated 17.12.2015 made by the Superintendent of Wakf for Trichy Region.

2. In the petition, it has been stated that the petitioner is one of the member cum hereditary member of the mosque by name

"General Bazar - Pensioner Street Mosque" situated at Pensioner Street, Thennur, Trichy 620 017. The said mosque will come under the purview of the jurisdiction of the respondents as per G.S.No.592. It is averred in the petition that the erstwhile Administrators of the said Mosque have committed a lot of violation and they have also made personal unlawful gains by utilizing the Administrative capacity of the said Mosque. Further, as per the order of the respondents vide Na.Ka.No.3261/15/A5/Trichy, the erstwhile Administrators including one Nizamudeen have not handed over the possession and accounts of the said mosque to the respondents/subordinates as on date. The said erstwhile Administrators have resigned their designations from the said Mosque seven months ago. Despite their resignations, they refused to handover the possession and the accounts of the said Mosque to the concerned authorities.

3. It is further stated in the affidavit that the said erstwhile Administrators group including Abdul Mannan, Nizamudeen, Saleemudeen, Abdul Malik, Lathif Khan and known persons are distributing pamphlets containing contents against the respondents and Tamilnadu Wakf Board during JUMMAS (Friday After Noon Prayer) and they have also threatened the Superintendent, Trichy Zone, Tamilnadu Wakf Board to conduct elections to the post of Administrators for the said Mosque. It is further stated in the affidavit that W.P.No.9478 of 2015 and W.P.No.14834 of 2015, are also filed for the same relief before the Madurai Bench of this High Court and the same are pending. Apart from the above Writ Petitions, W.O.P.No.3 of 2015 is pending before the Wakf Tribunal, Trichy. No orders have been passed in the said Writ Petitions so also in the said W.O.P.

4. It is also stated in the affidavit by the petitioner that the erstwhile administrators are misusing their capacity by using the cemetery belongs to the Meer Hasannullah Durga Wakf for their personal unlawful gains. Therefore, the petitioner made a complaint dated 2.11.2015 to the respondents against the erstwhile administrators. But, no action was taken. The subordinates of the respondents have conducted enquiry on 01.12.2015 based on the complaint of the petitioner and sent the recommendation / report dated 17.12.2015 to the respondents herein to appoint an Adoc Committee members to administer the said Mosque. Again, the petitioner made a representation dated 20.01.2016 to the respondents to implement the Recommendations / Report dated 17.12.2015 made by the Superintendent for Trichy Region for Tamilnadu Wakf Board. But, the respondents have failed to implement the said Recommendations/Report dated 17.12.2015. Hence, the petitioner has come forward with this present Writ Petition.

5. Heard the submissions of the learned counsel on either side and perused the materials available on record.

6. Considering the submissions made on either side, this Court directs the second respondent to consider the petitioner's representation dated 20.01.2016 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to all the parties.

7. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

srn

To

1. The Chief Executive Officer,  
Tamilnadu Wakf Board,  
Chennai 600 001

2. The Chairman,  
Tamilnadu Wakf Board,  
Chennai 600 001

+1cc to M/s.Raji and Rajan, Advocate, S.R.No.8658

W.P.No.4296 of 2016

EV(CO)  
CA(27/02/2016)

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