

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2018

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.33860 of 2018

The Aminjikarai Mulsim Welfare Society
A Society Registered under the Tamil Nadu
Societies Registration Act, 1975
(Registration Sl.No.139/2017),
Rep by its President Janab R.S.Hussain,
New No.23/Old No.4/1, St.George Convent Street,
Shenoy Nagar, Chennai 600 030 .. Petitioner

Vs.

The Tamil Nadu Wakf Board,
Rep by its The Chief Executive Officer,
No.1, Jaffre Syrang Street,
Vallal Seethakkathi Nagar, Chennai 600 001 ... Respondent

PRAYER : Writ Petition filed Under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus,
directing the respondent herein to forthwith initiate and
complete a statutory enquiry under Section 71 of the Wakf Act,
1995 expeditiously and within a time frame that may be
stipulated by this Court upon the complaint / representation
dated 07.07.2018.

For Petitioner : Mr.A.S.Vijayaragavan

For Respondent : Mr.G.Mohammed Aseef

O R D E R

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

2. The petitioner has come up with this writ petition
seeking a direction to the respondent to forthwith initiate and
complete a statutory enquiry under Section 71 of the Wakf Act,
1995 expeditiously on the complaint / representation dated
07.07.2018.

3. According to the learned counsel for the petitioner, the petitioner has submitted a representation dated 07.07.2018 to the respondent requesting to take action against Janab M.Khader Sheriff, Former Secretary of Aminjikai Mosque and Burial Ground Committee and others for having caused loss to the Aminjikai Mosque due to their wrongful activities and also to select a body containing eminent and efficient persons of integrity and character for managing the affairs of the said Mosque. Since the respondent has not taken any action in this regard, the petitioner has also sent a reminder on 13.10.2018. Till date, the respondent has not come forward to initiate enquiry as contemplated under the Wakf Act. Hence, the petitioner has filed this Writ Petition seeking for the relief stated supra.

4. Heard Mr.G.Mohammed Aseef, learned counsel on behalf of respondent.

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the representation, directs the respondent to consider the petitioner's representation dated 07.07.2018 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Srn

To

The Chief Executive Officer,
The Tamil Nadu Wakf Board,
No.1, Jaffre Syrang Street,
Vallal Seethakkathi Nagar,
Chennai 600 001

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GJ(CO)
SSM(09/01/2019)