



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2018

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**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI**

**W.A. (MD) Nos. 702 and 703 of 2016
and
C.M.P. (MD) Nos. 4460 and 4461 of 2016**

Janab S.A.Fakrudeen Ibrahim .. Appellant in
both W.As.

Vs.

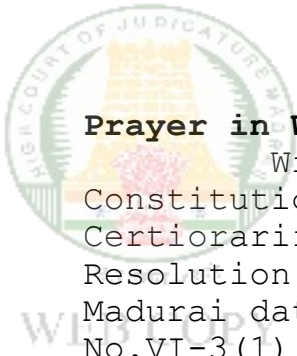
1. The State of Tamil Nadu
Rep. by its Secretary,
Most Backward and Minority Welfare Department,
Fort St. George,
Chennai-600 009.
2. The Tamil Nadu Wakf Board,
rep. by its Chief Executive Officer,
Jaffersyrang Street,
Chennai.
3. The Superintendent of Wakf,
No.1, Town Hall Road,
Madurai.
4. A.H.Ibrahim .. Respondents
in both W.As

PRAYER: Writ Appeals filed under Clause 15 of Letters Patent against the order dated 05.04.2016 in W.P. (MD) Nos. 2705 of 2016 and 4566 of 2016.

[RDO, MADURAI, Who is R-3 in w.p Not impleaded in W.A.]

Prayer in WP(MD) . 2705/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for records relating to the impugned order, made by the 1st respondent in G.O.(D) No.04, Backward Classes and Minority Welfare (S2) Department, dated 13.01.2016 and quash the same as illegal and consequently forbear the respondents from in any way taking over actual possession of the Kazimar Periyapallivasal, Madurai.



Prayer in WP(MD). 4566/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for records relating to the impugned Resolution of the 2nd respondent in Na.Ka.No.13575 / 02/ Aa8/ Madurai dated 30.12.2015 and the consequent impugned notification in No.VI-3(1) / 21/ 2016 dated 15.02.2016 published in Tamil Nadu Government Gazette on 24.02.2016 and quash the same as illegal and consequently forebear the respondents from in any way interfering into the Petitioners right to Management of the Kazimar Pariyapallivasal, Madurai.

For Appellant in : Mr.AR.L.Sundaresan,
both the appeals Senior Counsel for
M/s.AL.Gandhimathi

For Respondents : Mrs.J.Padmavathi Devi
in both the appeals Special Government Pleader for R1

Mr.V.Lakshminarayanan
for Mr.K.K.Senthil for RR 2 and 2

Mr.N.A.Nissar Ahamed
for Mr.A.L.Kannan for R4

C O M M O N J U D G M E N T

[Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.]

These are writ appeals directed against the common order dated 05.04.2016 passed in W.P.(MD)Nos.2705 and 4566 of 2016.

2. The dispute revolves around the management of the Wakf, namely, Kazimar Periya Pallivasal, which is a notified Wakf. The Wakf was maintained by a group of persons claiming to be the descendants of a common ancestor by name Kaji Thajudeen and Jamaluddin-Al-Mabani. They claimed a right of Hereditary Trusteeship, especially in the Mosque. After coming into force of the Wakf Act 1995 (hereafter referred to as "the Act"), the Pallivasal was surveyed and notified as Wakf property for the purpose of the Act, though the administration of the Wakf property continued to be with the Trustees of the said Wakf. As the same was a religious institution established and administered by Haqudars with the object of preserving the identity of the linguistic religious minority and since there was no unity among the trustees, there was confusion and mismanagement in the Wakf. Hence, a group of persons filed a petition before the Tamil Nadu Wakf Board (hereafter referred to as "the Board") praying for framing of a scheme for administration of the Wakf. Based on the representation, the Board resolved to frame a scheme for the proper administration of the Wakf.



3. The said decision of the Wakf was challenged in W.P.No.7865 of 2005, which was dismissed on 30.06.2005 directing the petitioner to go before the Wakf Tribunal. Accordingly, the persons claiming to be Hereditary Trustees filed a original petition in Wakf O.P.No.1 of 2005 on the file of the Principal Sub Court, Madurai (Wakf Tribunal). The said O.P. was also dismissed on 16.06.2006. Challenging the same C.R.P.(MD) No.491 of 2006 under Section 83(9) of the Act was filed, which also met with the same fate on 22.02.2007. At that juncture, the Board directed the parties to file draft schemes for its consideration, as their attempts to thwart framing of the scheme was rejected by the orders of the Court. Accordingly, draft schemes were filed on 25.06.2007 and 05.07.2007.

4. In the meanwhile, a writ petition in W.P.(MD)No.404 of 2008 was filed seeking a direction to the Board to post an Executive Officer for the administration of the Wakf, pending finalization of the scheme. The said writ petition was closed on 23.05.2008 recording the submission of the Board that the by-laws submitted by the parties were under consideration.

5. Subsequently, W.P.(MD)No.6365 of 2008 came to be filed seeking an injunction against one Mr.Syed Gouse Basha, a Member of the Legislative Assembly, from participating in the meeting of the Board to finalise the scheme. The said writ petition was also dismissed on 18.08.2008 holding that the Board, being a multi member body, the right of Mr.Syed Gouse Basha cannot be questioned. The said order of the learned Single Judge was challenged in W.A.(MD) No.521 of 2008, which was also dismissed on 22.08.2008.

6. As there was no other proceeding pending before the Court, the Board decided to meet on 27.08.2008 and after deliberations, framed a scheme on 20.10.2008. The scheme was challenged by a set of Trustees in W.P.(MD)No.10056 of 2008. In the meanwhile, the second proceeding was issued by the Board on 06.11.2008 modifying the earlier scheme dated 20.10.2008. Therefore, the said order was also challenged by the erstwhile Trustees in W.P.(MD)No.10422 of 2008. Contempt Petition (MD) No.4 of 2009 was also filed by those petitioners alleging violation of the order passed by this Court in CRP (MD)No.491 of 2006, dated 22.02.2007 by the Board.

7. The main contentions in those writ petitions were that the erstwhile Trustees, who were the persons interested, were not issued with any notice before framing the scheme or even while modifying the scheme framed. The fact remains that though there was no notice issued to them before framing of the scheme, the intention of the parties seems to be resisting any scheme being framed. This is because while dismissing the Civil Revision Petition (MD) No.491 of 2006 filed against the order passed in Wakf O.P.No.1 of 2005, this Court, taking note of the findings of the Board, observed that Hazarath Kazi Tajuddin Society was formed to siphon off the funds of

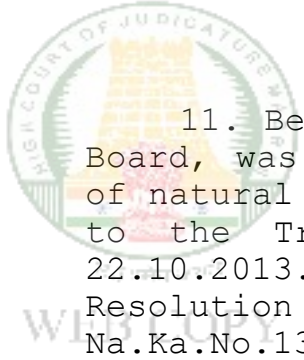


the Pallivasal.

8. As stated above, the framing of the scheme was challenged as vitiated, firstly on the ground that the same was issued in violation of the principles of natural justice, as the appellant and others, who were the beneficiaries and persons interested in the Khazimar Periya Pallivasal, were not issued with any show cause notice or were afforded any reasonable opportunity of hearing before the Board decided to frame the scheme. Secondly, the contention of the appellant was that the Board had no authority in law or jurisdiction to interfere with the management of a private Wakf. Thirdly, it was contended that the main scheme was smacked of arbitrariness and suffers from legal mala fides. A learned Single Judge, by a common order dated 22.12.2011, after considering objections, recorded the fact that a few members demanded status quo to be continued, whereas, one member voiced his protest that the scheme submitted by the hagdars as such was illegal. The learned Single Judge also had pointed out that the scheme was framed and also modified, without consulting the erstwhile trustees. It is curious to note that prior to framing of the scheme on 20.10.2008 and 06.11.2008, two draft schemes were filed on 25.06.2007 and 05.07.2007 and it is not known whether these two draft schemes were considered by the Board and rejected. If there exists any such rejection order, the remedy open to the appellant/Trustees is to file an appeal under Section 69(3) of the Act. Apparently, the appellant and others were not given an opportunity and it is also not known as to whether the draft schemes submitted by them were considered. The learned Single Judge in order dated 22.12.2011 recorded that the Board did not consider the schemes submitted by either of the parties.

9. At this juncture, it is to be stated that the proviso to Section 32(2)(d) of the Act mandates the Board to afford an opportunity of being heard before formulating a scheme, and Section 32(3) of the Act gives a right to "any person interested in the Wakf" to challenge the scheme framed by the Board in a Tribunal by way of a suit. On the above grounds, the writ petitions were allowed setting aside the scheme dated 21.10.2008 and 06.11.2008 and the matter was remanded to the Board for a fresh consideration, after issuing notice and holding proper hearing, allowing the parties to furnish documents and make submissions and thereafter for framing the scheme.

10. The petitioner in W.P.(MD)No.404 of 2008 filed another writ petition in W.P.No.6074 of 2012 seeking a direction to consider his representation given to the Board for appointment of an Executive Officer, which was disposed of on 19.03.2012, as prayed for. Reiterating the same prayer, he submitted a representation to the Board on 06.05.2013 and filed W.P.No.16216 of 2013 seeking direction to the Board to consider the same, which was disposed of on 10.07.2013.

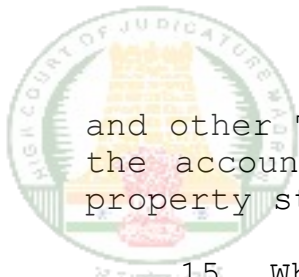


11. Be that as it may, after the scheme, that was framed by the Board, was set aside on the ground of non-compliance of principles of natural justice, the Board, after issuing notice dated 09.10.2013 to the Trustees calling upon them to appear for hearing on 22.10.2013. After hearing them, which includes the appellant, in its Resolution in Item No.92/2012 dated 23.10.2013, in Na.Ka.No.13575/02/B8/Madurai, ordered taking over of the management of the Wakf under its direct control and directed the publication of the same in the official gazette. Section 65 of the Act authorises the Board to assume direct management of the Wakf, in a case where there is no suitable person available or framing of a scheme has become impossible of performance in the given circumstances. Accordingly, in the above referred to proceedings, it was decided by the Board to take over the direct management of the Wakf for a period of two years from the date of order or till the date of assumption of new management after framing a scheme, whichever is earlier. Thus, the third respondent/Wakf Superintendent, Madurai, was appointed as the Executive Officer of the Wakf, bringing the said Wakf under the direct management of the Board. The said proceeding was notified in the Gazettee on 08.01.2014.

12. Challenging the said notification and the resolution, W.P. (MD) Nos.1977 and 5424 of 2014 were filed. The said writ petitions were dismissed by this Court on 06.06.2014 holding that there is an alternative appellate remedy available to the writ petitioners therein. Aggrieved against the said order, W.A. (MD) Nos.918 and 919 of 2014 were filed, which were again dismissed by a Division Bench of this Court on 07.08.2014 with a direction to the parties to approach the State Government under Section 65(2) of the Act challenging the order passed by the Board taking over the administration of the Wakf, as an interim measure, subject to framing of the scheme. The Division Bench also had granted fifteen days time from the date of the order to prefer an appeal before the State Government. While granting time to prefer the appeal, the Division Bench made it clear that the Board shall not interfere with the administration of the Wakf by the Haqudars, who have been in the management of the Wakf, till the appellants approach the State Government within the time granted by it.

13. A suit in Wakf O.P.No.4 of 2014 along with interlocutory application was filed by the third respondent/Superintendent of Wakf, Madurai, being the Executive Officer of the Pallivasal, seeking to restrain the appellant and others from interfering with his right to manage and administer the Kazimar Periya Pallivasal, as per the resolution dated 23.10.2013. Though the interlocutory application in I.A.No.725 of 2014 was dismissed on 10.09.2014, the fate of the suit has not been placed on record.

14. In the meanwhile, on 28.06.2014, a notice was issued under Section 68 of the Act by the Revenue Divisional Officer, Madurai, based on the order passed under Section 65 of the Act for taking over the management of the Wakf, calling upon the appellant herein



and other Trustees to handover all the relevant documents, including the accounts books, bank passbook, cheque books, receipt vouchers, property statement, tenants' list, etc. to the Executive Officer.

15. While so, pursuant to the order of the Division Bench of this Court dated 07.08.2014, referred to above, an appeal was filed by the appellant before the first respondent, which, in turn, was rejected on 13.01.2016 in G.O.(D)No.04, Backward Classes, Most Backward Classes and Minorities Welfare (S2) Department, confirming the order passed by the Board on 23.10.2013 taking over the direct management of the Wakf.

16. Aggrieved by the said order, W.P.(MD)No.2705 of 2016 was filed. There is also another order dated 30.12.2015, wherein, the Board had passed a resolution extending the period of direct management by one more year from 23.10.2015. Aggrieved by the said order of extension, W.P.(MD)No.4566 of 2016 was filed. Both the writ petitions were dismissed, after elaborate discussion, by the learned Single Judge. Being aggrieved against the same, the instant writ appeals are filed.

17. Learned counsel for the appellant contended that the order of the first respondent dated 13.01.2016 affirming the order of the Board to take over direct management, having been made, when the said order, which was subject matter of revision before the first respondent had worked out itself on the date of passing of the order, vitiates the entire proceedings. It is further submitted that the order of the first respondent was made without application of mind holding that the appellant and others were heard by the Board on taking over of direct management by referring to dates that do not correspond to the resolution of the Board taking over direct management.

18. The learned Senior Counsel placed his reliance on a decision of the Hon'ble Supreme Court reported in 2014 (9) SCC 195 (Gorkha Security Services) Vs. Government (NCT of Delhi) and others) wherein it has been held as follows:-

"21. The central issue, however, pertains to the requirement of stating the action which is proposed to be taken. The fundamental purpose behind the serving of show cause notice is to make the noticee understand the precise case set up against him which he has to meet. This would require the statement of imputations detailing out the alleged breaches and defaults he has committed, so that he gets an opportunity to rebut the same. Another requirement, according to us, is the nature of action which is proposed to be taken for such a breach. That should also be stated so that the noticee is able to point out that proposed action is not warranted in the given case, even if the defaults/breaches complained of are not satisfactorily explained. When it comes to blacklisting, this requirement becomes all the more imperative, having regard to the fact



that it is harshest possible action.

22. The High Court has simply stated that the purpose of show-cause notice is primarily to enable the noticee to meet the grounds on which the action is proposed against him. No doubt, the High Court is justified to this extent. However, it is equally important to mention as to what would be the consequence if the noticee does not satisfactorily meet the grounds on which an action is proposed. To put it otherwise, we are of the opinion that in order to fulfil the requirements of principles of natural justice, a show cause notice should meet the following two requirements viz:

(i) The material/grounds to be stated which according to the department necessitates an action;

(ii) Particular penalty/action which is proposed to be taken. It is this second requirement which the High Court has failed to omit.

We may hasten to add that even if it is not specifically mentioned in the show cause notice but it can clearly and safely be discerned from the reading thereof, that would be sufficient to meet this requirement."

19. At this juncture, Section of 65 of the Act can usefully be referred to as hereinbelow :

"65. Assumption of direct management of certain auqaf by the Board.—

(1) Where no suitable person is available for appointment as a mutawalli of a waqf, or where the Board is satisfied, for reasons to be recorded by it in writing, that the filling up of the vacancy in the office of a mutawalli is prejudicial to the interests of the waqf, the Board may, by notification in the Official Gazette, assume direct management of the waqf for such period or periods, not exceeding five years in the aggregate, as may be specified in the notification.

(2) The State Government may, on its own motion or on the application of any person interested in the waqf, call for the records of any case for the purpose of satisfying itself as to the correctness, legality or propriety of the notification issued by the Board under sub-section (1) and pass such orders as it may think fit and the orders so made by the State Government shall be final and shall be published in the manner specified in sub-section (1).

(3) As soon as possible after the close of every financial year, the Board shall send to the State Government a detailed report in regard to every waqf under its direct management, giving therein—

(a) the details of the income of the waqf for the year immediately preceding the year under report;

(b) the steps taken to improve the management and



income of the waqf;

(c) the period during which the waqf has been under the direct management of the Board and explaining the reasons as to why it has not been possible to entrust the management of the waqf to the mutawalli or any committee of management during the year; and

(d) such other matters as may be prescribed.

(4) The State Government shall examine the report submitted to it under sub-section (3), and after such examination, issue such directions or instructions to the Board as it may think fit and the Board shall comply with such directions or instructions on receipt thereof.

(5) Notwithstanding anything contained in sub-section (1), the Board shall take over the administration of a waqf, if the waqf Board has evidence before it to prove that management of the waqf has contravened the provisions of this Act."

20. A reading of the provision clearly shows that it does not contain any provision for giving the parties concerned any notice or opportunity to be heard before an order of assuming direct management is made by the Board. However, the Courts have read into the provisions of the relevant sections and held the requirement of giving a reasonable opportunity of being heard to the persons interested in the Wakf, before an order is made by the Board for assuming direct management of the Wakf. Section 65(1) does not contemplate issuance of notice of enquiry to all the parties concerned in the Wakf before assuming direct management.

21. The second respondent herein in its counter affidavit before the writ court had contended that the object of the Act was to provide better administration of Wakf, as found in the preamble portion of the Act. The main intention was to provide for a better management of all Wakfs and also appointment of a Wakfs Tribunal to consider all questions and disputes pertaining to the Wakf. That being so, the appellant cannot contend that the exercise of statutory power by the Board, which is derived from the Act, is a colourable exercise of power. The scheme of the Act seems to be to deal with the "persons interested", who are beneficiaries to get benefits of the Wakf. Section 3(k) of the Act defines "person interested" as hereunder :

"3. Definitions - (k) "person interested in a waqf" means any person who is entitled to receive any pecuniary or other benefits from the waqf and includes-

(i) any person who has a right to offer prayer or to perform any religious rite in a mosque, idgah, imambara, dargah, khanqah, peerkhana and karbala, madqara, graveyard or any other religious institution connected with the waqf or to participate in any



religious or charitable institution under the waqf;
(ii) the waqif and any descendant of the waqif and the mutawalli;

22. The above definition makes it abundantly clear that "persons interested" for the purpose of section include not only the persons entitled for the financial benefits, but also other benefits, which includes worship, religious rights or to participate in any religious or charitable institution under the Wakf. It is the intention of the Courts to hear any person claiming interest in the Wakf before the Board assumes direct management/control over the institution for the simple reason that their interest should be safeguarded or protected, when the management is taken away by the Board.

23. So far as the appellant is concerned, it has to be seen whether he is the person interested. It is his specific case that Kazimar Periya Pallivasal Wakf is a Wakf, which was established during the time of Pandiya Kingdom lot of properties were endowed to the said Wakf. It is a religious institution administered by Haqudars, who are the descendants of a common ancestor by name Kaji Thajudeen and Jamaluddin-Al-Mabani. The proforma of the Wakf, as furnished during July 1981, describes the Wakf as a religious Mashruthul-kidmat and its object and the Mosque has been in existence from the time of the Pandian Kingdom and the properties were dedicated for its support both by the Pandian Kings and the Nawabs and the names of the beneficiaries were also given. Admittedly, the management is now split and the appellant is calling himself as a self-styled committee in management of the Wakf. An individual, who claims himself to be the Haqudar or the Trustee cannot be a person interested in the Wakf. The first page of the proforma alone produced before this Court and second page onwards were not placed on record and it is also not known whether today the appellant alone is the sole Trustee.

24. Now the question that remains to be answered is whether the appellant is a stranger ?. The answer would be "No". Even from the records available as of today, there has been litigation between the same appellant from the year 2005. Any order passed is being challenged by the parties mutually. Excepting the appellant, the other Trustees have not challenged those orders and they are now amenable for a scheme being framed. The appellant, who is in control and management of the Wakf, is only interested to hold it for himself and he is putting the spokes in the wheels of framing the scheme. Now the Board, in exercise of its power under Section 38 of the Act, has passed the order assuming direct management of the Wakf. The same was questioned by the appellant before this Court by filing writ petitions on the ground that the action of the Board is in violation of the principles of natural justice, which were dismissed on the ground that the alternative remedy is available to the appellant.



25. While dismissing the appeals preferred by him against the said order, a Division Bench of this Court held as follows :

"14. In the case on hand, it would be open to the appellants to approach the State Government, under Section 65(2) of the Wakf Act, 1995, challenging the orders passed by the Tamil Nadu Wakf Board, taking over the administration of the Wakf, as an interim measure, subject to the framing of a scheme. In such circumstances, we find it appropriate to dismiss the Writ Appeals, permitting the appellants, in the present Writ Appeals, to approach the State Government under Section 65(2) of the Wakf Act, 1995, and seek their reliefs, if any. The appellants may approach the State Government, within a period of fifteen days from today. It is made clear that the respondents shall not interfere with the administration of the Wakf, by the 'Haqudars', who have been managing the Wakf, till date, till the appellants approach the State Government, as permitted by this Court, by this order. It is also made clear that, if the appellants fail to approach the State Government, as permitted by this Court, by this Order, it would be open to the Tamil Nadu Wakf Board to take charge of the administration of the Wakf, in accordance with the procedures established under the provisions of the Wakf Act, 1995."

26. The claim of the appellant is that he is the beneficiary and has got the right to manage the affairs of the Wakf ; secondly, he claimed to be descendant of the original Trustees, and hence, he should be heard ; and thirdly, while framing the scheme by the Board, no notice was issued to him. The next ground of attack was that Sections 65 and 38 empower the Board to take over the management only in certain contingencies and formation of opinion, as required under Section 35 of the Act and in the absence of the same, the Board ought not to have taken direct management without any necessity.

27. In these appeals, we are only trying to impress upon the fact that the appellant though has a right in the Wakf, his grievance is that it has been taken away by the Board by resorting to taking over the direct management without even issuing a notice to him. Admittedly, there has been proceedings from the year 2005, till today, wherein, the Board has been making all efforts and attempts to regularise the management of the Wakf without any hitch or hindrance. The appellant and other Trustees have knowledge about those proceedings. Excepting the appellant, all other persons, who had been originally Haqudars, have agreed for the formation of a scheme. Learned counsel for the Board is also willing to frame a scheme within two months. As the management is continuing with the appellant, it is submitted that unless the same is handed over to the Board with all the relevant records, including the accounts,

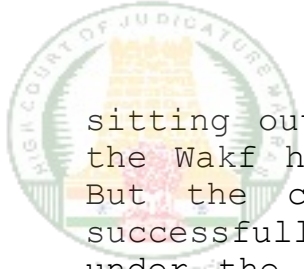


etc., it will be difficult for them to frame the scheme. Section 65 of the Act is akin to Section 92 of the Code of Civil Procedure. Therefore, when there is an allegation of mismanagement and siphoning off funds from the trust, it is for the Board to interfere and frame the scheme for the proper administration of the trust. Every attempt of the Board to frame the scheme and regularise the management of the Wakf is successfully thwarted by the appellant. Admittedly, there has been disputes between the erstwhile Haqudars. It is the allegation of the Board as well as the fourth respondent that there has been mismanagement of the Wakf properties. The entire exercise to assume direct management of the Wakf was commenced, as can be seen from the records, on a complaint by one of the members of the Wakf. The proceedings have been going on from the year 2005 and the parties have been harboring their time only before the Court, rather than taking interest in the performance of the Wakf.

28. The attack on the ground of violation of principles of natural justice does not vitiate a proceeding if fairness is shown by the authority before taking any decision. As held earlier the unnatural expansion of natural justice without reference to the facts and circumstances or to the administrative realities is infuriating. The process sometimes becomes futile and exasperating.

29. It is to be stated that in the impugned order, the learned Single Judge categorically held that there is no violation in taking over the direct management by the Board, since in the notice for hearing itself W.P.No.6074 of 2012 filed by the other party seeking appointment of Executive Officer to manage the affairs of the Wakf, has been mentioned and the appellant and other Trustees were aware of the said fact. Further, as rightly held by the learned Single Judge, once it is held by the Wakf Tribunal that there is no hereditary trustee, which was affirmed by this Court in C.R.P.(MD) No.491 of 2006, the continuance of the appellant in the management of the Pallivasal has no basis. Though he is not a stranger to the Pallivasal, he is no longer a Trustee, in view of the said orders, and hence, the question of issuing notice to him does not arise and there is no violation of principles of natural justice. Even assuming but not admitting that he is entitled to be heard, he was informed about the taking over of the management in the hearing held on 23.10.2013 and his counsel was also heard.

30. This Court is of the considered view that if the appellant is really interested in performing the religious activities in its proper perspective, as intended by the ancestors, who have created the Wakf, he ought not to have questioned the taking over of the direct management by the Board, that too on the basis of the wild allegation that the funds of the wakf had been siphoned off by forming a trust and there was mismanagement of the Wakf. On the other hand, he should have urged the Board to accelerate the process of framing a scheme for the better management of the Wakf. Even he can be a watchdog to the religious and other activities of the Wakf



sitting outside the helm of affairs and ensure that the object of the Wakf has been taken forward by the persons at the management. But the conduct of the appellant is otherwise. He has been successfully prolonging the issue from the year 2005 taking umbrage under the interim directions passed by the Courts. At times, in matters like this, the Courts pass interim directions to safeguard the interest of the interested persons, which cannot be allowed to be misused by the persons, like the appellant.

31. Keeping in view the entire gamut of the issue, we are of the opinion that a scheme has to be necessarily formulated at the earliest in order to give a quietus to the entire disputes with respect to the management of the Wakf.

32. In the light of the above discussion, we are not inclined to interfere with the impugned order of the learned Single Judge. Accordingly, these appeals are disposed of, in the following terms :

(i) The appellant herein is directed to hand over charge and deliver possession of the records, accounts and all the properties of the Wakf, including cash, to the Executive Officer of the Board within a period of four weeks from the date of receipt of a copy of this order, failing which, he will be liable to the penal provision of Section 68 of the Act.

(ii) The Board shall frame a scheme, in terms of the directions contained in the order passed by this Court as early as on 22.12.2011, by following the statutory provisions of the Act, within a period of two months from the date of handing over of the management by the appellant.

(iii) Needless to say that while framing the scheme, the Board shall afford an opportunity to all the interested persons and take into account all the relevant aspects.

No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-I)

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To

The Secretary to Government,
Most Backward and Minority Welfare Department,
Government of Tamil Nadu,
Fort St. George,



Chennai-600 009.

+1cc to Mr.A.L.Kannan, Advocate in SR No.87276

+1cc to M/s.AL.Gandhimathi, Advocate in SR No.86625

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