

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 01.03.2019
CORAM
THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.5906 of 2019

F.Mohamed Sadiq Basha

...Petitioner

Vs.

1.The Tamil Nadu Waqf Board
Rep. by its Chief Executive Officer
No.1, Jaffer Syrang Street
Mannady, Chennai-600 001.

2.The Waqf Superintendent
Cuddalore zone,
Cuddalore.

3.The Managing Trustee
Sholavalli Mosque Waqf
Chinnatheru, Nellikuppam
Cuddalore District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 & 2 to take action against the 3rd respondent under Sections 40, 52 and 52A of the Waqf Act, 1995.

For Petitioner : Mr.A.Ajimath Begam

For Respondents: Mr.V.Lakshminarayanan
for R1 & R2

O R D E R

Mr.V.Lakshminarayanna, learned counsel takes notice for the respondents 1 & 2. Since this writ petition is being disposed of without affecting the interest of the third respondent, notice to the said respondent is dispensed with.

2. The petitioner seeks for mandamus directing the first and second respondents to take action against the third respondent under Sections 40, 52 and 52A of the Waqf Act, 1995.

3. According to the petitioner, the third respondent is mismanaging the Waqf properties also, without there being any election conducted periodically for the management committee for the past several years from 1999 onwards. Therefore, the petitioner seeks to take action against the third respondent.

4. This Court, at this stage is not expressing any view on the merits of the claim made by the petitioner since it is stated by the learned counsel for the respondents 1 & 2 that already an enquiry is going on before the Board touching upon the management of the Waqf.

5. The learned counsel for the respondents 1 & 2 thus, contended that the issue raised by the petitioner with regard to alienation of Waqf property also can be raised by him in the very same enquiry by making appropriate application.

6. Under such circumstances, I find that it is for the petitioner to approach the Waqf Board by way of filing appropriate application, since already the enquiry is going on where, it is stated that the third respondent is also participating. Granting such liberty to the petitioner, this writ petition is disposed of. It is open to the petitioner to raise all the contentions before the Board. Equally, the third respondent also can raise all the contentions before the enquiry touching upon the issue raised in this writ petition, as this Court is not expressing any view on the merits of the contentions. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Tamil Nadu Waqf Board
Rep. by its Chief Executive Officer
No.1, Jaffer Syrang Street
Mannady, Chennai-600 001.

2.The Waqf Superintendent
Cuddalore zone, Cuddalore.

3.The Managing Trustee,
Sholavalli Mosque Waqf,
Chinnatheru, Nellikuppam,
Cuddalore District.

+1cc to Mr.A.Ajimath Begam, Advocate, S.R.No.19067

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RJ(CO)
rrs 01/03/2019