

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2019

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.2406 of 2017

Syed Aijaz

...Petitioner

vs.

1.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

2.Syed Jeelani,
Hereditary Trustee,
Hazrath Syed Sha Rahamathullah,
Vali Mosque and Dargah Wakf,
Inam Samayapuram,
Trichy.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of a writ of mandamus, to direct 1st respondent to consider petitioner's representations dated 28.12.2015 and 31.10.2016 to conduct enquiry against the 2nd respondent.

For Petitioner : Mr.H.Mohamed Ghouse

For Respondents : Mr.Mohameed Fayaz Ali for R1

R2 - No such address

ORDER

The petitioner has filed this writ petition seeking for a direction to the first respondent to pass orders on his representation dated 31.10.2016.

2.It is the case of the petitioner that the second respondent Syed Jeelani who is a Hereditary Trustee, Hazrath Syed Sha Rahamathullah Vali Mosque and Dargah Wakf, Inam Samayapuram, Trichy has sold the Wakf property illegally. Therefore, he sought for initiation of legal action by the first respondent Wakf Board against the second respondent under his representation dated 31.10.2016.

to the illegal alienation of the Wakf property by the second respondent, the first respondent Wakf Board has not taken legal action against the second respondent.

4.This Court based on the materials available on record, is of the considered view that the first respondent will have to consider the representation dated 31.10.2016 given by the petitioner in accordance with law as the subject property is alleged to be a Wakf property. Accordingly, this Court directs the first respondent to pass appropriate orders on the representation dated 31.10.2016 given by the petitioner seeking for legal action against the second respondent for misappropriating the trust property and selling the same for his benefit. The first respondent Wakf Board is directed to dispose of the representation dated 31.10.2016 given by the petitioner in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order after giving sufficient opportunity to the petitioner as well as the second respondent.

5.With the aforesaid direction, the writ petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

pam

To

The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

+1cc to Mr.Mohamed Ghouse, Advocate, S.R.No. 100807

SAI (CO)
GN(21/01/2020)

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