

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.32088 of 2012

S.Zakir Hussain

... Petitioner

Vs.

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

2.The Superintendent of Wakf
Vellore Zone,
No.8, Army Road,
Badhursha Mar Complex,
Vellore.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Mandamus directing the 1st respondent to consider the representation dated 25.10.2012 and conduct enquiry.

For Petitioner : Mr.M.M.I.Khaleel
for Mr.A.Ajimath Begam

For Respondents : Mr.S.Haja Mohideen Gisthi

ORDER

This writ petition has been filed for a mandamus to direct the first respondent to consider the representation dated 25.10.2012 and conduct an enquiry with regard to the allegation levelled against Muthavalli viz., Asghar Ali of Nawab Sabthar Ali Khan Tomb Wakf, which is notified as a public Wakf under Gazette notification No.725/N.A/11th February 1959.

2.According to the petitioner, the Wakf has several properties and Asghar Ali, who is the Muthavalli, has started to deal with the Wakf properties as if it is his own properties. It is the case of the petitioner that the said Muthavalli has

also alienated some of the Wakf properties without permission of Wakf Board. In view of the illegalities committed by the Muthavalli viz., Asghar Ali, he gave a representation dated 25.10.2012 to the first respondent to consider his representation and conduct an enquiry against the said Muthavalli viz., Asghar Ali and take action against him in accordance with law. According to the petitioner, till date, the said representation has not been considered by the first respondent. In such circumstances, this writ petition has been filed.

3.Heard Mr.M.M.I.Khaleel for Mr.A.Ajimath Begam, learned counsel appearing for the petitioner and Mr.S.Haja Mohideen Gisthi, learned counsel appearing for the respondents.

4.Admittedly, a representation was given by the petitioner to the first respondent on 25.10.2012 with regard to the alleged illegalities committed by Asghar Ali, who is the Muthavalli of Nawab Sabdhar Ali Khan Tomb, which is notified as a public Wakf on 11.02.1959. According to him, the Muthavalli viz., Asghar Ali is himself managing the Wakf and has also alienated some of the properties belonging to the Wakf. However, till date, the first respondent has not considered the representation dated 25.10.2012 given by the petitioner. This Court is inclined to direct the first respondent to consider the petitioner's representation dated 25.10.2012 in accordance with law.

5.Accordingly, this Court directs the first respondent to consider the petitioner's representation dated 25.10.2012 with regard to the allegations levelled against Asghar Ali, the Muthavalli of Nawab Sabdhar Ali Khan Tomb, which is notified as a public Wakf under Gazette notification No.725/N.A./11th February, 1959 and pass final orders within a period of twelve weeks from the date of receipt of a copy of this order.

With the aforesaid direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sms

To

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

2.The Superintendent of Wakf
Vellore Zone,
No.8, Army Road,
Badhursha Mar Complex,
Vellore.

+1cc to M/s.A.Ajimath Begam, Advocate Sr.7538

W.P.No.32088 of 2012

bp[co]
srg 05/03/2020



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