

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2021

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.NO.10125 OF 2021

M.Shahabudeen

...Petitioner

Vs

1. The Tamil Nadu Wakf Board,
Rep.by Chairman,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.

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

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st and 2nd respondents to consider his representation dated 18.09.2020.

For Petitioner : Mr.Md Kalifullah
for Mr.R.Deepak

For Respondents: Mr.Haja Mohideen Gisthi

ORDER

The petitioner has come up with this Writ Petition seeking a direction to the respondents 1 and 2 to consider his representation dated 18.09.2020.

2. It is the case of the petitioner that the Management of the wakf was vested to 11 members committee elected by the local jamathars once in three years and the same will be approved by the first respondent. In the year 2017, the 11 members committee was elected by the local jamathars and one Mr.Y.Abdul Razack was elected as President and Mr.Saabi was elected as Vice-President.

Against the above committee, many allegations have been made by jamathars, especially, Al-Ameen Narpani Sangam has filed a complaint against the above said committee before the respondents 1 and 2 and also filed a writ petition before the High Court to consider the representation given by the Al-Ameen Narpani Sangam.

3. It is the further case of the petitioner that after the writ petition, the 1st respondent conducted an enquiry against the Committee in the year 2019. As soon as the enquiry was conducted, the members of the Committee came out and started a New Committee without the permission of the first respondent and also started saying allegation against the President & Vice President of the committee only with an intention to escape from the enquiry conducted by the first respondent. The above four persons without the approval of the Tamil Nadu Wakf Board has started to managing the above wakf with the only intention to grab the wakf income as much as possible, for that they granted a lease agreement for the encroachers in wakf property by getting lump sum amount and also started to receive the rents from the tenants.

4. The above said four persons have illegally received a sum of Rs.5,000/- from the encroachers for withdrawing the cases against whom eviction cases are pending before the Wakf Tribunal. The second respondent has filed a counter before the Wakf Tribunal in O.A.No.20/2020 stating that the above said 4 persons were disqualified to be the members of the committee under Section 64(j) of Wakf Act. In spite of that, the above said 4 persons have been continuing to loot the income of the wakf as much as possible.

5. On 21.05.2020, the first respondent has issued a show cause notice in R.C.No.14851/85/B4/TVLR only to the president and vice president of the committee and not to other committee members. Regarding the above show cause notice, which is pending before the first respondent, the petitioner has sent a letter dated 18.09.2020 before the second respondent to take action against the other committee members, who have involved in misappropriation of the above wakf income. On 05.06.2020 the above wakf is taken under direct management and the 1st respondent appointed an Executive Officer to manage the above wakf but till the date the executive officer has not recovered the account maintained by the previous committee and his representation dated 18.09.2020 is only to punish the persons who are all involved in misappropriation of above wakf income. Hence, the petitioner has approached this Court for issuance of a Writ of Mandamus.

6. Heard both sides and perused the materials available on record.

7. 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 case, directs the respondents to consider the petitioner's representation dated 18.09.2020 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 by affording them an opportunity of personal hearing or virtual hearing, within a period of six weeks from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

dpq

To

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

+1cc to Mr.R.Deepak, Advocate, S.R.No.26598

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GMI (CO)
CS/09/07/2021