



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 18935 of 2015

A.R. Shaik Babu

.. Petitioner

Versus

1. The Chairman
Tamil Nadu Wakf Board
No.1, Jaffer Syrang Street
Vallal Seethakadhi Nagar
Chennai - 600 001.
2. The Chief Executive Officer
Tamil Nadu Wakf Board
No.1, Jaffer Syrang Street
Vallal Seethakadhi Nagar
Chennai - 600 001.
3. North Coimbatore Ahlay Sunnath Jammath
Rep. by its Secretary,
Mr.M.I. Mohammed Ali,
No.238, Mettupalayam Road,
Coimbatore - 641 001
4. M.I. Mohammed Ali

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the 1st and 2nd respondent to consider and pass orders on the petitioners representations dated 10.03.2015 and 25.03.2015.

For Petitioner : Mr. T.D. Vasu for Mr.V.N.Mohanraj

For Respondents : Mr.V. Raghavachari for R1 and R2

ORDER

The prayer in this writ petition is to issue a Writ of Mandamus directing the first and second respondents to consider the representations of the petitioner dated 10.03.2015 and 25.03.2015 and pass orders on the same.

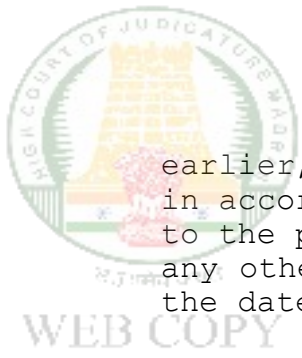


2. The petitioner is the president of Indian National Muslim League, Coimbatore District and also member of the third respondent Jammath. According to the petitioner, in the election conducted on 15.8.1990, the fourth respondent was elected as Secretary. After election, lot of complaints were received by the first respondent against the administration and management of the third respondent Jammath by the fourth respondent. Therefore, the first respondent vide proceedings dated 26.6.2007 has proposed to take action against the fourth respondent. The fourth respondent was therefore called upon to submit the Wakf accounts for the periods from 1990-1991 to 2006-2007 for immediate inspection and with further direction to the Wakf Inspector to prepare list of persons eligible for vote and to conduct election by secret ballot method and to elect the new body within a period of two months. Aggrieved by the same, the fourth respondent filed a suit in O.S.No.64 of 2007 before the Principal Sub Judge, Coimbatore restraining the defendants therein from interfering with the election process and from demanding to produce accounts from 1989 to 2000. The said suit was decreed on 25.7.2008 against which no appeal has been filed. According to the petitioner, the decree is not enforceable as on date and it covered the period during which the fourth respondent can administer the Jammath. On the strength of the decree, the fourth respondent is continuously administering the third respondent Jammath, indulged in misappropriating the funds of the same. In other words, the fourth respondent is continuously in administration of the third respondent Jammath for a period of 25 years. In such circumstances, the petitioner sent representations on 10.03.2015 and 25.03.2015 to the respondents 1 and 2 requesting them to direct the fourth respondent to handover the records relating to the third respondent Jammath to the Wakf Board Inspector and to pass further orders to effectively administer the third respondent Jammath. However, the respondents 1 and 2 did not take any action thereof. Therefore, this writ petition.

3. The learned counsel for the petitioner, during the course of hearing, submitted that it would suffice, if a direction is issued to the respondents 1 and 2 to consider the representations dated 10.03.2015 and 25.03.2015 of the petitioner and to take appropriate action thereof on merits.

4. The learned counsel appearing for the respondents 1 and 2 has no serious objection for issuing such a direction.

5. Having regard to the limited relief now sought by the learned counsel appearing for the petitioner, which has not been seriously opposed on the side of the respondents, this Court directs the second respondent to consider the representations of the petitioner dated 10.03.2015 and 25.03.2015, if not considered



earlier, and pass appropriate orders on the same, on merits and in accordance with law, after providing an opportunity of hearing to the petitioner as well as the third and fourth respondents and any other interested parties, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

msr/rsh

To

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

+lcc to Mr.V.Raghavachari, Advocate, S.R.No.46319

WP No.18935 of 2015

GPL(CO)
CB(13/10/2021)