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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.5998 OF 2020

AND

W.M.P.NO.7036 OF 2020

Akbar Hussain

... Petitioner

.Vs.

1. The Special Officer,
Tamil Nadu Wakf Board,
No.01, JafferSirang Street,
Vallal Seethakaathi Nagar,
Chennai - 01.
2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.01, JafferSirang Street,
Vallal Seethakaathi Nagar,
Chennai - 01.
3. The Superintendent,
Tamil Nadu Wakf Board,
Poonamallee Range,
Chennai.
4. The Executive Committeee,
Masjid Mubarak Wakf,
Nehru Bazaar, Avadi,
Chennai - 54
5. Sharfudeen

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus directing the Respondents to consider my Representation dated 18.02.2020 and further direct the 2nd Respondent to Conduct Enquiry accordance with law and retrieve the properties belongs to the 4th Respondent.



For petitioner : Mr.S.Silambuselvan
For Respondents 1 to 3 : Mr.N.A.Nissar Ahmed

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ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus directing the Respondents to consider my Representation dated 18.02.2020 and further direct the 2nd Respondent to Conduct Enquiry accordance with law and retrieve the properties belongs to the 4th Respondent.

2. It is the case of the petitioner that he is a member of the 4th respondent mosque wherein the 5th respondent was elected as Mukthavalli in the year 2010 on the basis of the election conducted as per the Wakf Act. After being elected, in the year 2011, the 5th respondent started committing misappropriations of Wakf properties in regard to which a complaint was given to the police authorities in the year 2018. Since no action was taken on the complaint, a direction petition was filed before this Court in Crl.O.P.No.10268 of 2021 in which certain directions were given. Such being the case, even after the elected period was over, the 5th respondent has been continuously engaging in such malpractices. Therefore, the petitioner made a detailed representation before the Respondents 1 to 3, however, till date no action has been taken on the representation. Hence the present Writ Petition is filed seeking the above relief.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the Respondents 1 to 3 to consider the petitioner's representation dated 18.02.2020 and pass appropriate orders within a particular time frame fixed by this Court.

4. The learned counsel for the respondents has no objection on the said order being passed.

5. In view of the above submissions, this Court without expressing any opinion on the merits of the case directs the respondents 1 to 3 to consider the petitioner's representation dated 18.02.2020, and after affording an opportunity of hearing to the petitioner and the private respondent, pass appropriate orders on merits and in accordance with law, within a period of



eight weeks from the date of receipt of a copy of this order. This Writ Petition is accordingly disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Special Officer,
Tamil Nadu Wakf Board,
No.01, JafferSirang Street,
Vallal Seethakaathi Nagar,
Chennai - 01.
2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.01, JafferSirang Street,
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3. The Superintendent,
Tamil Nadu Wakf Board,
Poonamallee Range,
Chennai.
4. The Executive Committeee,
Masjid Mubarak Wakf,
Nehru Bazaar, Avadi,
Chennai - 54.

+1cc to Mr.N.A.Nissar Ahmed, Advocate, S.R.No.58339

W.P.NO.5998 OF 2020 AND
W.M.P.NO.7036 OF 2020

GPL (CO)
PBS/07/12/2021