



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. No.17148 of 2021

M. Ajmal Khan
President
Waqf Protection Forum
No.57/A, Katrapalayam Street
Periyar Bus Stand, Madurai 625 001
and having office at No.151/313
Thambu Chetty Street
Chennai - 600 001

.. Petitioner

Versus

1. The Principal Secretary
Backward Class, Most Backward Class and
Minority Welfare Department
Tamil Nadu Government
Fort St. George
Chennai 600 009
2. Tamil Nadu Waqf Board
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar
Chennai 600 001.
3. The Chief Executive Officer,
Tamil Nau Waqf Board
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar
Chennai 600 001
4. The Director
Vigilanc & Anti-corruption
Alandur, Chennai 600 016.
5. R.Anwardin
(Suptd. of Auquaf, Ramanathapuram)
No.159/3, Therpasayanam Road
Vellipattinam,
Ramanathapuram 623 504.
6. S.A.Abdul Rahaman
(Rtd. Suptd. of Auqaf, South Arcot),
Secretary, Alharamain Pallivasal Vallal Yusuf Nagar,
Selaiyur, Chennai 600 073



WEB COPY

7. S.Mohamed Aslam
(Ex. Chief Executive Officer, presently at
Deputy Director, PWD Complex,
Adi Diravidar Welfare Dept.),
Chepauk, Chennai 600 005.
8. Rashid Ali (Rtd. Chief Executive Officer),
Pallivasal Salai, Simmakal, Madurai 625 001.
9. Liyakat Ali (Superintendent of Auqaf
now at TN Waqf Board), No.1, Jaffar Syrang Street,
Seethakathi Nagar, Chennai 600001.
10. Noorulah (Rtd. Superintendent of Auqaf)
C/o No.1, Jaffar Syrang Street,
Seethakathi Nagar, Chennai 600001.
11. Mohamed Alim
(Junior Assistant at TN Waqf Board)
No.1, Jarrar Syrang Street,
Seethakathi Nagar, Chennai 600001. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the third and fourth respondents to conduct enquiry against the respondents 5 to 11 independently based on the representation of the writ petitioner dated 07.05.2021 to the third respondent and subsequent letters petition No.5517/2021 (WAKD/RW) dated 28.05.2021 and petition No.5517/2021 (WAKF/RW) dated 16.06.2021 of the fourth respondent to the third respondent to take necessary action.

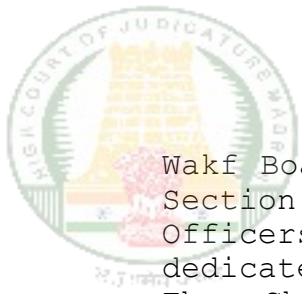
For Petitioner : Mr. S.N. Kirubanandan
for Mr.B.Haribabu

For Respondents : Mr. G. Krishnaraja
Govt. Counsel for R1 and R4

ORDER

The petitioner, who is the President of Waqf Protection Forum, a registered Trust, has come forward with this Writ Petition praying to issue a Writ of Mandamus directing the third and fourth respondents to conduct an enquiry against the respondents 5 to 11 independently on the basis of the representation dated 07.05.2021 and subsequent letters/petition dated 28.05.2021 and 16.06.2021 and to take necessary action thereof.

2. The Petitioner has stated in the affidavit filed in support of the writ petition that there are several Wakfs in the State, which own several movable and immovable properties. Those properties are dedicated to Almighty for the purpose of rendering religious, charitable and pious activities. The properties dedicated to the Wakfs and the manner in which they are utilised and controlled and supervised by the Tamil Nadu



Wakf Board through the Chief Executive Officers appointed under Section 23 of the Tamil Nadu Wakf Act. The Chief Executive Officers so appointed are obligated to maintain the properties dedicated and come within the administrative fold of the Wakf. The Chief Executive Officers have to conduct periodical inspection, take inventory, maintain proper accounts of the proceeds of the properties and to do all such acts as may be necessary for the control, maintenance and supervision of such properties. However, by abdicating their duties and responsibilities entrusted, two former Chief Executive Officers, in collusion with the subordinate officers and staff have resorted to various acts of nepotism and mal practices whereby alienated valuable properties belonging to the Wakf by issuing No Objection Certificate for sale of such properties in favour of third parties. It is on the basis of such No Objection Certificate issued in the capacity of Chief Executive Officer or in any other executive position, the registering authorities registered sale deeds in favour of third persons whereby valuable properties belonged to Wakf have been successfully alienated, whose market value will not be less than Rs.2000 Crores. According to the petitioner, the No Objection Certificates have been given as if the properties do not come within the administrative fold of the Wakf, but the fact remains that they are the properties of the Wakf. The petitioner, in his affidavit has given detailed account of the manner in which valuable properties of the Wakf have been alienated by the respondents 5 to 11 herein by resorting to various acts of fraud, misrepresentation, creation of forged and fabricated documents in collusion with the staff of the Wakf at all levels, for a throw away price. It is also stated that from and out of the booty, the Board Members of the various Wakf as well as the staff working there, have amassed wealth disproportionate to the known source of income. According to the petitioner, the Board Members and its staff who are guilty of misappropriation of the wakf funds are also liable to be criminally prosecuted for having committed the offences punishable under Sections 120 (B), 419, 420, 467, 468 read with Section 471 of Indian Penal Code, Section 32 read with 13 (1) (D) of the Prevention of Corruption Act and Section 52-A of the Wakf Act.

3. The petitioner would proceed to contend that having unearthed the above irregularities, the petitioner submitted representations on 07.05.2021 followed by a notice dated 10.07.2021 to the respondents 1 to 3, however, such representations and petitions did not yield the desired result. Therefore, the petitioner has come forward with this writ petition seeking appropriate direction to the respondents 1 to 3 to conduct an enquiry on the basis of the representations submitted by him.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3. At the outset, it is to be stated that the allegations raised by the petitioner in the affidavit filed in support of the writ petition are serious in nature and it



warrants an enquiry to be conducted by the respondents 1 to 3. The petitioner has given detailed account of the various irregularities said to have been committed by the Chief Executive Officers of the various Wakf in the State, in active collusion with the staff. The allegation that properties worth several crores of rupees belonged to the Wakf have been alienated in a novel way of issuing No Objection Certificate in favour of third parties for a throw away price and thereby causing enormous loss to the Wakf, cannot be ignored by the respondents 1 to 3.

5. Having regard to the above, this Court hereby directs the respondents 1 to 3 to conduct elaborate enquiry into the various allegations raised by the petitioner in his representation dated 07.05.2021, followed by a notice dated 10.07.2021, afford opportunity of hearing to the petitioner and all other parties concerned and thereafter pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

s/d
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

mst/rsh

To

1. The Principal Secretary,
Backward Class, Most Backward Class and
Minority Welfare Department, Tamil Nadu Government,
Fort St. George, Chennai 600 009.
2. Tamil Nau Waqf Board, No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai 600 001.
3. The Chief Executive Officer,
Tamil Nau Waqf Board, No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai 600 001.
4. The Director, Vigilanc & Anti-corruption,
Alandur, Chennai 600 016.

+1cc to Mr.B.Haribabu, Advocate, SR.No.40924
+1cc to Government Pleader, SR.No.41060

WP No. 17148 of 2021