



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2021

CORAM

THE HONOURABLE MR.JUSTICE R. MAHADEVAN

Writ Petition No. 20147 of 2014

Z. Ansar Basha

...Petitioner

Versus

1. The Chairman
Tamil Nadu Wakf Board
No.1, Jaffer Syrang street
Mannady, Chennai-600 001.
2. The Tamil Nadu Wakf Board
Represented by its Chief Executive Officer
No.1, Jaffer Syrang street
Mannady, Chennai-600 001.
3. The Wakf Superintendent
Villupuram Zone
Villupuram District.
4. Haneef
5. Noor Mohamed
6. Gowsal Azam Dasthagir Darga Wakf
Kallakurichi.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to conduct enquiry under Section 71 read with 54 of the Wakf Act against the 4th respondent.

For Petitioner	:	Mrs. A. Ajmath Begum
For R1 to R3	:	No appearance
For R4	:	Mr.N.A.Nissar Ahmed

ORDER

This writ petition is filed praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to conduct enquiry against the 4th respondent under Section 71 read with Section 54 of the Wakf Act.



2. The petitioner claims that the sixth respondent is a Public Wakf which was established for the purpose of performing Fataya in honour of Gowsai Azam Dastagir, a successor of Prophet Mohammed in Kallakurichi Town. The grievance of the petitioner is that due to improper and irregular maintenance of the sixth respondent Wakf, the fourth and fifth respondents have illegally occupied the property measuring 50 cents belonged to the sixth respondent Wakf. The petitioner claims to have sent several representations to the respondents 1 and 2, being the custody of the Wakf Property, to take action on his complaint, but no action has been taken thereof. On 10.07.2014, the petitioner stated to have given a written representation to the respondents 1 to 3 but even thereafter, no action is forthcoming, hence, the petitioner has filed this writ petition.

3. Today, when this matter is taken up for consideration, both the learned counsel for the petitioner as well as the third respondent are not in a position to inform this Court as to whether any action has been taken on the basis of the representation said to have been given by the petitioner.

4. Be that as it may, the representation dated 10.07.2014 of the petitioner is enclosed in the typed set of papers along with a Courier receipt for having served it on the respondents 2 and 3. According to the counsel for the petitioner, based on such representation dated 10.07.2014, the respondents 2 and 3 have not conducted any enquiry so far. Therefore, this Court directs the second respondent to consider the representation dated 10.07.2014 of the petitioner after giving an opportunity of hearing to the petitioner, the respondents 4 and 5 and others concerned and 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. Accordingly, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

kj/rsh



To

1. The Chairman
Tamil Nadu Wakf Board
No.1, Jaffer Syrang street
Mannady, Chennai-600 001.
2. The Chief Executive Officer
The Tamil Nadu Wakf Board
No.1, Jaffer Syrang street
Mannady, Chennai-600 001.
3. The Wakf Superintendent
Villupuram Zone
Villupuram District.

+1 CC to Mr.N.A.Nissar Ahmed, Advocate, Sr.No. 35282.

WP No. 20147 of 2014

PCH(CO)
LS(09/09/2021)