

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 18342 of 2021
and
W.M.P. No. 19551 of 2021

A.S. Mahaboob Basha

.. Petitioner

Versus

1. The Principal Secretary
Backward Classes, Most Backward Classes and
Minorities Welfare Department
Govt. of Tamil Nadu
Secretariat, Chennai - 600 009
2. The Chairman
The Tamil Nadu Wakf Board
No.1, Jaffar Syrang Street
Valla Seethakathi Nagar
Chennai - 600 001
3. The Chief Executive Officer
The Tamil Nadu Wakf Board
No.1, Jaffar Syrang Street
Valla Seethakathi Nagar
Chennai - 600 001
4. The Superintendent of Waqf
Kancheepuram, Chengalpet and Thiruvallur Zone
Big Mosque Complex First Floor
Poonamallee, Chennai - 600 056

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to consider petitioner representation dated 02.08.2021 seeking to (i) Cancel the notification issued in Daily Thanthi dated 20.07.2021 regarding administrative committee which is against section 66 of the Waqf Act, 1995 (ii) take necessary action to appoint Management Committee of the Waqf as per Section 66 of the Waqf Act in consonance with Scheme Decree passed by Scheme Court framed by the District Court No. II, Kancheepuram in O.S. No. 11 of 1934; (iii) take necessary action against the illegal continuation of Direct Management for more than 5 years against the Section 66 of the Waqf Act, 1995 and direct the probe by Investigation Agency into the mismanagement, maladministration and misappropriation of exchequer of public institution i.e., Kancheepuram District - Hazrat Syed Sha Hameed Awliya Badusha Dargah

For Petitioner : Mr. S.N. Kirubanandam
For Respondents : Mr. Stalin Abhimanyu
Government Counsel (For R1)

ORDER

The present writ petition has been filed seeking to direct the first respondent to consider petitioner's representation dated 02.08.2021 and to take action thereof.

2. According to the petitioner, The Hazrath Syed Shah Hameed Awliya Badhusha Darga is a Waqf managed, administered and maintained as per the Scheme Decree dated 02.02.1939 passed in O.S. No. 11 of 1934 on the file of District Court, Chengalpattu. As per the scheme decree, there should be one Trustee, a Trasurer and also a committee consisting of three members and their term will be for a period of three years. As per the scheme Decree, the

petitioner was appointed as Trustee of the Waqf for three years and he had taken charge on 20.11.2010. While the petitioner was acting as a Trustee, the second respondent, by misusing his powers, ordered for direct management on 12.09.2013. It is also stated that on 02.05.2019, the third and fourth respondents caused a paper publication in Dinathanthi news paper for appointment of administrative committee for the Waqf. Questioning the said publication, the petitioner submitted a petition to the first respondent, who had directed the third respondent to conduct an enquiry and send a detailed report. However, no such enquiry was conducted by the third respondent. While so, the fourth respondent published yet another notification dated 20.07.2021 for constituting an administrative committee which according to the petitioner, is against Section 66 of The Waqf Act, 1995. The petitioner therefore sent a representation dated 02.08.2021 to the first respondent narrating the above facts and sought his intervention to cancel the notification dated 20.07.2021 issued by the fourth respondent and to follow the procedures prescribed under Section 66 of The Waqf Act, 1995. However, the representation dated 20.07.2021 has not been considered so far and no orders passed. Therefore, the petitioner has come forward with this writ petition for the various relief stated supra.

3. The learned counsel for the petitioner submitted that it would

suffice, if the said representation dated 02.08.2021 made by the petitioner is directed to be considered by the first respondent, on merits.

4. Heard the learned counsel for the petitioner and the learned Government Counsel appearing for the first respondent and perused the documents enclosed in the typed set of papers.

5. Considering the limited relief sought in this writ petition, this court, without going into the merits of the case, directs the first respondent to consider the petitioner's representation dated 02.08.2021 and pass appropriate orders, on merits and in accordance with law, after affording reasonable opportunity of hearing to the petitioner and any of the interested parties, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the aforesaid direction, this Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

06.09.2021

Index : Yes/No
dhk/rsh

R.MAHADEVAN, J.

dhk/rsh

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