



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2021

CORAM:

THE HON'BLE MR.JUSTICE R.MAHADEVAN

Writ Petition No.20450 of 2020

1.Habeebunnissa Begum (President) Dadasha makkan Wakf.

2. Syed Akthar Hussain (Treasurer) Dadasha makkan Wakf.

... Petitioners

Versus

1. The Special Officer
The Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Chennai-600 001.

2. The Superintendent of Wakf
Tamil Nadu Wakf Board,
Ice House, Chennai-600 005.

3. Mohammed Sajath
The Secretary of the Wakf
Dadasha Makkan Wakf
No.5, Dargha Street,
Dadasha Makkan, Chennai-600 012.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to take necessary action on the complaint dated 18.11.2019 given by the petitioners within the time frame as direct by this Court.

For Petitioners : Mr. Y. Kajanavas

For R1 & R2 : Mr.Haja Mohideen Gisthi

For R3 : Mr.N.A.Nissar Ahmed

ORDER

According to the petitioners, they are elected as President and Treasurer of the wakf, by name, Dadasha Makkan Wakf which is



governed as per the scheme framed by the Tamil Nadu Wakf Board under Section 69 of the Wakf Act 1995, by their proceedings and resolution passed as Item No.98/2010 in R.C.No.619/B1/99/Chennai dated 15.07.2010. It is alleged by the petitioners that the third respondent/ Secretary and one Syed Kasim Sakka / Joint Secretary of the Wakf, have mismanaged the wakf and its properties. It is further alleged that the Secretary of the wakf committed serious financial irregularities, malpractices and indulged in corrupt practices, while dealing with the funds of the wakf by printing the donation bill book without the knowledge of the petitioners and collecting the donation from many devotees of the saint Hazrath Dada Peer. He also appointed agents to collect donations and they are signing and issuing the donation bill, instead of the Treasurer's signature. The same were questioned and repeated requests were made by the petitioners to hand over the donation bill books and the amounts collected by him and his agents, but the same ended in vain. Therefore, the petitioners made a complaint dated 18.11.2019 to the respondent authorities to conduct enquiry, remove the third respondent and the said Syed Kasim Sakka from the respective posts of Secretary and Joint Secretary and take further action. Since the same was not considered, they have come up with this writ petition seeking a mandamus to the respondent authorities to take action on the said complaint, within a time frame to be stipulated by this court.

2.Heard both sides and perused the materials placed before this court.

3.Considering the facts and circumstances of the case, more particularly, the petitioners' complaint dated 18.11.2019 is pending without any action, this court directs the respondent authorities to consider the representation made by the petitioners on 18.11.2019, if not considered earlier and pass appropriate orders, on merits and in accordance with law, after conducting enquiry and affording an opportunity of hearing to the petitioners, third respondent as well as any other interested parties. Such an exercise shall be completed within a period of eight weeks from the date of receipt of copy of this order.

4.This Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar



gbi

To

1. The Special Officer
The Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street, Chennai-600 001.
2. The Superintendent of Wakf
Tamil Nadu Wakf Board,
Ice House, Chennai-600 005.

+1cc to Mr.N.A.Nissar Ahmed, Advocate, S.R.No.38129

W.P.No.20450 of 2020

KSM(CO)
CT(24/09/2021)