



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.27013 of 2021

Mr.H.Hussain

... Petitioner

Vs.

1.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

2.The District Superintendent of Wakf,
Poonamallee Circle, Tiruvallur District,
Periya Pallivasal Complex,
First Floor, Mosque Street,
Poonamallee, Chennai - 600 056.

3.Mr.A.R.Rahamathullah

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent herein to remove the 3rd respondent namely Mr.A.R.Rahamathullah from the post of the Muthavalli of the above referred Dargah, to take over the above referred Dargah namely Hazarath Sabit Khalandar Auliya Dargah, and its properties under the direct management of Tamil Nadu Wakf Board by considering the petitioner's representation dated 17.08.2020 with the period as stipulated.

For Petitioner : Mr.L.Gavaskar

O R D E R

The relief sought for in the present writ petition is to direct the 1st respondent to remove the 3rd respondent, namely, Mr.A.R.Rahamathullah from the post of the Muthavalli of the Dargah, to take over the Dargah, namely, Hazarath Sabit Khalandar Auliya Dargah and its properties under the direct management of Tamil Nadu Wakf Board.



2.The grievances of the petitioner is that the second respondent has conducted an enquiry in respect of the illegalities and irregularities committed by the 3rd respondent and a report was submitted to the Chief Executive Officer/1st respondent on 25.11.2019 itself. The said report reveals that several allegations were raised against the 3rd respondent and the 2nd respondent/District Superintendent of Wakf also stated that show cause notice has to be issued to the 3rd respondent and all appropriate actions would be taken thereafter. In spite of the enquiry report submitted by the 2nd respondent, District Superintendent of Wakf, the 1st respondent has failed to initiate any action and the 3rd respondent is continuing as Muthavalli and committing furthermore serious illegalities and involving in corrupt activities by abusing the properties belonging to the wakf. The serious allegations raised and the enquiry report has not been considered by the 1st respondent for the past two years. Thus, the petitioner is constrained to move the present writ petition.

3.Under the provisions of the Act, the 1st respondent is bound to initiate actions whenever such irregularities or illegalities are brought to the notice of the 1st respondent. In the present case, the petitioner had submitted several representations and even beyond that, the enquiry was conducted by the 2nd respondent/ District Superintendent of Wakf, who in turn submitted a report stating that irregularities are noticed and all further actions are to be initiated by issuing show cause notice to the third respondent. In spite of the report, no progress is made.

4.Therefore, this Court is of an opinion that the 1st respondent has failed to perform his duties with reference to the provisions of the Acts and Rules. Under these circumstances, the 1st respondent is directed to initiate all appropriate actions based on the enquiry report dated 25.11.2019 and considering the representation submitted by the writ petitioner on 17.08.2020 and if necessary, conduct further enquiry and initiate all appropriate actions by following the procedures as contemplated under the provisions of the Act. The said exercise is directed to be done by the 1st respondent within a period of six weeks from the date of receipt of a copy of this order.



5. With these directions, the writ petition stands disposed of. No costs.

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SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

Jeni/Cse
To

1. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.
2. The District Superintendent of Wakf,
Poonamallee Circle, Tiruvallur District,
Periya Pallivasal Complex,
First Floor, Mosque Street,
Poonamallee, Chennai - 600 056.

+2cc to Mr.L.Gavaskar, Advocate Sr.67695

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srg 04/01/2022