



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2021

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WEB COPY

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD)No.18950 of 2021

Janab S.Mohammed Khasim

... Petitioner

Vs.

The Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffar Sirang Street,
Vallal Seethakkathi Nagar,
Chennai-600 001.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the respondent to consider the petitioner's representation dated 08.09.2021 after obtaining report from the Wakf Superintendent, Tiruchirappalli Circle.

For Petitioner : Mr.Shangar Murali
For Respondent : Mr.D.S.Haroon Rasheed,
Standing Counsel.

ORDER

The petitioner seeks the consideration of a representation dated 08.09.2021 for the removal of the Mutawalli of the Haji Pitchai Mohideen Rowther Wakf.

2. The petitioner alleges that one Sheik Mohammed was appointed as the Mutawalli of the above mentioned Wakf. The petitioner alleges that the said Mutawalli mismanaged the Wakf and committed acts of misfeasance and malfeasance. Therefore, a representation dated 08.09.2021 was submitted. It is stated that a report was called for from the Wakf Superintendent, Tiruchirappalli Circle. However, on account of not concluding the inquiry, the present Writ Petition is filed.

3. Mr.D.S.Haroon Rasheed, learned Standing Counsel, appears on behalf of the Tamil Nadu Wakf Board. He points out that the Mutawalli concerned has not been joined as a party. In addition, he points out that the report of the Wakf Superintendent, Tiruchirappalli Circle is awaited. Only upon receipt of such report, the petitioner's representation can be considered.



4. Ordinarily, in a proceeding for the removal of a Mutawalli, the said Mutawalli should have been joined as a party. Such non-joinder would have even justified dismissal of the Writ Petition. However, in the case at hand, it is submitted on behalf of the Tamil Nadu Wakf Board that a report has already been called for from the Wakf Superintendent, Tiruchirappalli Circle. Keeping the said fact in mind, the Writ Petition is not dismissed on the ground of non-joinder. Nonetheless, it becomes even more critical that the Wakf Board provides a reasonable opportunity to the Mutawalli against whom allegations have been levelled by the petitioner before a decision is taken.

5. Subject to the above observations, W.P(MD).No.18950 of 2021 is disposed of by directing the respondent to consider the representation dated 08.09.2021 and pass a reasoned order thereon within a period of three (3) months from the date of receipt of a copy of this order upon receipt of the report of the Wakf Superintendent, Tiruchirappalli Circle. Before any decision is taken, as indicated above, full opportunity should be provided to the petitioner and the Mutawalli concerned. There will be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/LM

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO:

The Chairman, Tamil Nadu Wakf Board,
No.1, Jaffar Sirang Street,
Vallal Seethakkathi Nagar, Chennai-600 001.

+1 CC to M/s.K.S.SANKAR MURALI, Advocate (SR-32957[F] dated 28/10/2021)

+1 CC to M/s.D.S. HAROON RASHEED, Advocate (SR-33118[F] dated 28/10/2021)

W.P (MD) No.18950 of 2021
28.10.2021

RD/UV(10.11.2021) 2P 4C

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