



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2022

C O R A M

THE HON'BLE MS.JUSTICE V.M.VELUMANI

W.P.No.5335 of 2022

S.Salih Masjid
Secretary,
Trust Estate of M.K.P Marcayar & Maqdoomi Masjid,
No.19, Malayappan Street,
Mannady, Chennai -1. ...Petitioner

Vs

The Revenue Divisional Officer/
Chief Executive Officer, Wakf Board,
North Chennai Revenue Division Administration,
Tondiarpet, Chennai. ...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondent to consider and pass orders on the petitioner's application No.2204/2021 under Section 68(2) of the Wakf Act, 1995 on merits and in accordance with law.

For Petitioner : Mr.N.A.Nassir Hussain
for Mr.N.A.Nissar Ahmed
For Respondent : Mr.S.Ravikumar
Special Government Pleader

ORDER

This Writ Petition is filed seeking for a direction to the respondent to consider and pass orders on the petitioner's application No.2204/2021 under Section 68(2) of the Wakf Act, 1995, on merits and in accordance with law.

2.By consent of both the learned counsel appearing for the petitioner as well as Mr.S.Ravikumar, learned Special Government Pleader, who takes notice for the respondent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.According to the petitioner, M.K.P.Marcayar Trust and Masjid is a registered and notified wakf under the supervisory control of the Tamil Nadu Wakf Board. The petitioner is the Secretary of the Managing Committee of the said wakf. Due to the mismanagement of the earlier committee, the said wakf was



brought under the control of direct management by the proceedings dated 07.10.2020 and the Wakf Board by the proceedings dated 03.05.2021, appointed a committee consisting of nine members to administer and manage the affairs of the wakf with conditions of retrieving the wakf properties and duly maintaining accounts etc. Challenging the same, the erstwhile Mutawalli filed C.S.No.314 of 1930 and Writ Petitions. In connected W.P.No.4786 of 2021, this Court directed the petitioner herein to file appeal under Section 65 of the Wakf Act, 1995. Subsequently, it was found that, erstwhile President A.M. Farooq has illegally alienated the property belonging to the wakf in S.No.2547 bearing No.67, Savari Muthu Street, Chennai and settled the same in favour of his son A.M.F.Shahul Hameed in the year 2010 vide document No.168/2010.

4.The erstwhile President floated two associations under the name and style (1).Masjid Maqdoomi Improvement under Welfare Associations and (2).The association of the worshipper and well-wishers of Masjid Maqdoomi Chennai and received huge amount as donations in the name of the wakf and misappropriated the same. The erstwhile Managing Committee, in order to cover up the above illegalities committed by them, took all the records pertaining to the wakf and did not handover the same to the present Managing Committee. In such circumstances, the petitioner filed Application No.2204 of 2021, under Section 68(2) of the Wakf Act, 1995, before the respondent in July 2021, seeking for a direction to the members of the erstwhile committee to deliver the possession of all records, accounts, properties and documents to the newly appointed Managing Committee. However, no order was passed in said application. Hence, the petitioner has come out with the present Writ Petition.

5.Considering the nature of relief sought for by the petitioner and that the application, filed by the petitioner under Section 68 (2) of the Wakf Act, 1955, as early during July 2021 is not considered by the respondent, the respondent is directed to consider the Application No.2204 of 2021 dated July 2021, filed by the petitioner and pass orders on merits and in accordance with law, after hearing the petitioner as well as erstwhile committee members within a period of eight (8) weeks from the date of receipt of a copy of this order.

6.With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

rst



To:

The Revenue Divisional Officer/
Chief Executive Officer, Wakf Board,
North Chennai Revenue Division Administration,
Tondiarpet, Chennai.

+1cc to Mr.N.A.Nissar Ahmed, Advocate Sr.No.16375

+1cc to the Government Pleader Sr.No.16680

W.P.No.5335 of 2022

SVI (CO)
RVM(04/04/2022)