



W.P.No.7765 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

CORAM

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

W.P.No.7765 of 2019

Janab K.M.Shahul Hameed

... Petitioner

Vs

1.The Secretary to Government,
Backward & Minority Welfare Department,
Government of Tamil Nadu,
Fort St.George, Chennai – 600 009.

2.The Tamil Nadu Wakf Board,
Rep by its Chairman,
No.1, Jaffar Syrang Street,
Vallal Seethakadhi Nagar,
Chennai – 600 001.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st respondent to consider petitioner representation Ref.No.01/19 Wakf dated 01.01.2019.



W.P.No.7765 of 2019

WEB COPY

For Petitioner : No Appearance

For Respondents : Mr.S.Ravi Kumar
Special Government Pleader
for R1
Mr.Abdul Mubeen
Standing Counsel
for R2

ORDER

There is no representation on behalf of the petitioner.

2.This petition has been filed for a mandamus, to direct the 1st respondent to consider petitioner representation Ref.No.01/19 Wakf dated 01.01.2019.

3.The learned counsel for the respondents would submit that the petitioner's representation dated 01.01.2019 bearing Ref.No.01/19 Wakf has been disposed by the 1st respondent on 11.12.2019 bearing Ref.Letter No.94/T1/2019-08. Relevant portion from the said order of the 1st respondent is re-produced below:-



W.P.No.7765 of 2019

WEB COPY

From
Thiru A.Karthik, I.A.S.,
Secretary to Government

To
Thiru K.M.Shahul Hameed,
No.30/182, Bells Road, Chepauk, Chennai – 5.
Sir,

Sub:-Tamil Nadu Waqf Board-Complaint
petition with a request to take action on certain issues
which includes restraining the Chief Executive Officer
and Law Officer of the Board from participating while
conducting the hearing of the case by Board members-
Considered-Reply-Sent-Reg.

Ref:-1.Your Petition sated 01.01.2019.

2.From the Chief Executive Officer, Tamil
Nadu Waqf Board Letter Rc.No.5007/18/E5/Meeting,
dated 11.06.2019.

3.W.P.No.7765 of 2019 filed by Thiru
K.M.Shahul Hamed before High Court of Madras.

I am directed to refer attention to your petition
first cited wherein, you have brought certain issues for
the consideration of the Government relating to the
administration of the Tamil Nadu Waqf Board and
sought Government interference in the matter.

2.In this connection, I am directed to state that
the Chief Executive Officer, Tamil Nadu Waqf Board
has been consulted. Based on his report, your Petition
dated 01.01.2019 is disposed of as follows:-

(i)With reference to the item No.(i) of the above
said representation, the work relating to the installation
of CCTV Camera in the office of the Tamil Nadu Waqf
Board is under progress;



W.P.No.7765 of 2019

WEB COPY

(ii) With reference to the item No.(ii) of the above said representation, the Waqf Act, 1995 does not contemplate for obtaining prior approval of the Government for placing the agenda in the Board meeting;

(iii) With reference to the item No.(iii) 7 (iv) of the above said representation, as per Section 23 of the Waqf Act, 1995, the Chief Executive Officer shall be ex-officio Secretary of the Board and hence he shall be present at all the meetings of the Board so as to conduct the meetings/enquiries in a proper manner as per the Waqf Act, 1995 and Rules and Regulations framed thereunder.

Further the Law Officer Thiru.Nagoor Meeran is allowed to sit behind the Chairman on the request of the Chairman of the Board to guide and advise him on any legal issues if raised by the Advocates while on enquiry regarding interpretation of laws and legal precedent and decision taken on similar issues on previous occasions and decisions of similar issues in the Apex Court.

(iv) With reference to the Item No.(v) of the above said representation, the Chief Executive Officer, Tamil Nadu Waqf Board has stated that before the superannuation of Thiru.Nagoor Meeran in Government Service, he was appointed as a Member of Tamil Nadu Public Service Commission in 1996 and retired at the age of 62 on 25.06.2001. After his retirement, he has commenced his practices as Advocate in the High Court from August, 2001. He is also a Panel Advocate of Tamil Nadu State Human Rights Commission from 2004 till date. He has thorough knowledge in Waqf Act and Rules and while he was working in Law Department, Secretariat in various capacities for over 25 years. It is also relevant to state that there is no age limit fixed for practising as



WEB COPY



W.P.No.7765 of 2019

Advocate. Thiru.Nagoor Meeran, Honorary Law Officer is attending the Board meetings on request and offered his considered opinion in large number of cases to defend the Board and also cases relating to Waqf and its properties. Hence, his service is very much required in the Board for quick and better disposal of cases.

(v)With reference to the Item No.(vi) of the above said representation, the Chief Executive Officer, Tamil Nadu Waqf Board has stated that the transfer of Superintendent of Waqfs shall be made by the Board following the relevant rules and procedure.

4.In view of the above, nothing further survives for adjudication in this writ petition. However, liberty is given to the petitioner to challenge the same in the manner known to law.

5.Accordingly, this writ petition stands dismissed as infructuous.

No costs.

14.10.2022

Index : Yes/No
Speaking/Non-Speaking Order
jas



W.P.No.7765 of 2019

WEB COPY

To

- 1.The Secretary to Government,
Backward & Minority Welfare Department,
Government of Tamil Nadu,
Fort St.George, Chennai – 600 009.
- 2.The Tamil Nadu Wakf Board,
Rep by its Chairman,
No.1, Jaffar Syrang Street,
Vallal Seethakadhi Nagar,
Chennai – 600 001.



WEB COPY



W.P.No.7765 of 2019

C.SARAVANAN, J.

jas

W.P.No.7765 of 2019

14.10.2022