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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.NO.10848 OF 2022

K.Dowlath Khan

.. Petitioner

Vs.

1. The Tamil Nadu Waqf Board,
Rep. By its Chairman,
No.1, Jaffer Syrang Street,
Mannady Chennai 600 001.

2. Sheik Naveed

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 29.11.2021 within the stipulated time.

For Petitioner : Mr.M.M.I.Khaleel
for M/s.A.Ajimath Begam

For R1 : Mr.Hajamohideen Gisthi
(Standing Counsel for Waqf Board)

O R D E R

This Writ Petition is filed by the petitioner for a direction to the 1st respondent to consider his representation dated 29.11.2021 within the stipulated time.

2.By consent of the learned counsel appearing for the petitioner as well as the learned Standing Counsel (Waqf Board) who takes notice for the 1st respondent, the Writ Petition is taken up for final disposal at the admission stage itself.



3. Heard the learned counsel appearing for the petitioner as well as the learned Standing Counsel (Waqf Board) appearing for the 1st respondent and perused the entire materials available on record.

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4. According to the petitioner, Pettai Anjuman-E-Islamiya Jamiya Masjid, situated at Pettai Namakkal is the surveyed and notified Waqf under the supervisory control of the Tamil Nadu Waqf Board. In the year 2012, the 1st respondent assumed direct management of the Waqf and appointed the Superintendent of Waqf, Salem as the Executive Officer of the above said Waqf. From the year 2012 to 2019, the 2nd respondent herein was the President of the Adhoc Committee appointed by the 1st respondent, for administration of the Waqf. Since the 2nd respondent did not maintain the books of accounts properly, owing to the protest of the jamathars against the 2nd respondent, on January 2020, the 1st respondent herein, without extending the tenure of the 2nd respondent, assumed direct management of the Waqf. Thereafter, the Tamil Nadu Waqf Board, by its order in Se.Mu.Order No.14879/07/A2/Salem dated 19.12.2020, appointed the present Adhoc Committee and petitioner is the President of the said Committee till date. During the tenure of the 2nd respondent, there were many mismanagement in the Waqf funds, the 2nd respondent had rented the utensils of the Masjid to various other private functions and he has not brought the revenue from the same to the accounts of the Waqf. The 2nd respondent had also transacted the Waqf funds into many of the individual bank accounts and has misappropriated more than 30 Lakhs of Waqf fund till date. Pursuant to the same, the petitioner made a representation dated 29.11.2021 to the 1st respondent, levelling all the allegations against the 2nd respondent and requested for an enquiry. Since no action has been taken so far, the petitioner has come out with the present Writ Petition. The learned counsel appearing for the petitioner submitted that a direction may be issued to consider the representation of the petitioner.

5. The learned Standing Counsel (Waqf Board) appearing for the 1st respondent submitted that the representation of the petitioner will be considered and orders will be passed within the time frame fixed by this Court.

6. Considering the nature of relief sought for in the Writ Petition and submission of learned counsel appearing for the petitioner and learned Standing Counsel (Waqf Board) appearing for the 1st respondent, without deciding the issue on merits, the 1st respondent is directed to consider the representation of the petitioner dated 29.11.2021, after issuing notice to the petitioner as well as the 2nd respondent and pass orders on

