



WEB COPY



W.P. No. 31170 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 31170 of 2022

I.Noorullah

... Petitioner

-VS-

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

2. Thiruvallur Jamia Masjid Pallivasal,
Rep. by its Managing Committee,
No. 1, Mosque Street,
Thiruvallur.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent to conduct audit enquiry with regard to the misappropriation and maladministration of the Second Respondent after assuming direct management and to conduct election by secret ballot to the Thiruvallur Jamia Masjid Pallivasal @ Jumma Masjid situated at No. 1, Mosque Street, Thiruvallur - 602 001 as sought vide representations dated 03.08.2022 and 25.10.2022 by the Petitioner.



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For Petitioner : Mr. N.A.Nissar Ahmed

For Respondents : Mr. R.Abdul Mubeen (for R1)

ORDER

Heard Mr. N.A.Nissar Ahmed, Learned Counsel for the Petitioner and Mr. R.Abdul Mubeen, Learned Counsel, who takes notice for the First Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

2. In view of the order proposed to be passed, which would not cause any prejudice to the Second Respondent, notice to it is dispensed with.

3. It is the case of the Petitioner that he had made representations dated 03.08.2022 and 25.10.2022 made by the Petitioner to the First Respondent to conduct audit enquiry with regard to the misappropriation and maladministration of the Waqf of the Second Respondent after assuming direct management and to conduct election by secret ballot to the Waqf of the Second Respondent, but as no action has been taken thereon, he has filed this Writ Petition.



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4. Learned Counsel for the First Respondent states that the said representations made by the Petitioner has been received by the First Respondent and that the same would be taken up for hearing shortly.

5. Having regard to the limited nature of relief sought, this Court without expressing any view on the correctness or entitlement of the claim made by the Petitioner, passes the following order:-

- (i) the concerned authority shall immediately examine the representations dated 03.08.2022 and 25.10.2022 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to all parties concerned including those in the administration of the Waqf of the Second Respondent to explain their position in that regard; and



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(iv) a reasoned order shall be passed dealing with each of the contentions

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communicated by 31.03.2023 under written acknowledgment.

6. In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

24.11.2022

vjt

Index: Yes/No

Note: Issue order copy by 08.12.2022.

To

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



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P.D. AUDIKESAVALU, J.

vjt

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