



WP (MD) No.2822 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.07.2022

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Writ Petition (MD) No.2822 of 2021

and

W.M.P.(MD)No.2308 of 2021

Haji M.Nainar Mohamed

.. Petitioner

Versus

1.The Tamil Nadu Wakf Board,
Rep. by its Chairman,
No.1, Jaffar Srirang Street,
Vallal Seethagathi Street,
Behind Custom Office,
Chennai – 600 001.

2.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Srirang Street,
Vallal Seethagathi Street,
Behind Custom Office,
Chennai – 600 001.

3.The Superintendent of Wakf,
Office of the Superintendent of Wakf,
Upstairs of Town Hall Road Pallivasal,
Madurai – 625 001.

4.Janab M.Sarbudeen

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the second respondent to pass final order on the enquiry report submitted by the Wakf Inspector, Madurai, on 15.03.2019 before him by disposing the petitioner's representation, dated



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16.12.2020, within the time limit that may be stipulated by this Court.

For Petitioner : Mr.D.Selvanayagam

For R1 to R3 : Mr.S.A.Ajmalkhan
Standing Counsel

For R4 : Mr.C.M.Arumugam

ORDER

The petitioner has filed this Writ Petition seeking a direction to the second respondent to pass final orders on the enquiry report submitted by the Wakf Inspector, Madurai, on 15.03.2019, by disposing the petitioner's representation, dated 16.12.2020, within the time limit to be fixed by this Court.

2.The petitioner sent a representation on 16.12.2020 making serious allegations against the fourth respondent. While the fourth respondent was in the administration of the Mosque, he had usurped the property of the Wakf and without any building plan approval, he constructed buildings. He also constructed a Mahal to the tune of Rs.2.67 Crores and rented out the same and without maintaining proper accounts, he had swindled the money of the Wakf. Despite the petitioner lodging several complaints to the respondents 1 to 3, they failed to take any action against him. In fact, on an earlier occasion, the petitioner had filed W.P.No.28668 of 2019 before the Principal Bench of this Court, seeking a direction to the Director of Vigilance and Anti-Corruption



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Department, Chennai, to take appropriate action against the fourth respondent for the misappropriation of Wakf fund and mal-administration of Wakf of Peraiyur Muslim Jamath Pallivasal, Peraiyur, Madurai District. The Principal Bench of this Court, by order dated 16.11.2021, without going into the merits of the case, directed the petitioner to send a representation along with a copy of the said order to the first respondent within a period of two weeks from the date of receipt of a copy of the said order and on receipt of the same, the first respondent was directed to consider the same and pass appropriate orders in accordance with law, after affording an opportunity to the fourth respondent, within a period of twelve weeks thereafter. Thereafter, no action has been taken. Hence, the present Writ Petition.

3.Mr.S.A.Ajmal Khan, learned Standing Counsel appearing for the respondents 1 to 3 submits that based on the petitioner's complaint and the order of the Principal Bench of this Court, dated 16.11.2021, made in W.P.No. 28668 of 2019, the petitioner and the fourth respondent were served with a notice dated 24.03.2022, directing them to appear before the Wakf Board on 30.03.2022 and thereafter, an enquiry was conducted and the petitioner was examined and he had made the similar allegations, which have already been made by him in his representation, dated 16.12.2020. In fact, the petitioner was enquired by the Wakf Board after three months from the date of his



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representation. Hence, the petitioner had a chance to make all his grievances and complaints against the fourth respondent before the Wakf Board. It is further submitted that the petitioner for the same relief filed W.P.No.28668 of 2019 and thereafter, filed the present Writ Petition within three months from the date of disposal of his earlier Writ Petition viz., W.P.No.28668 of 2019, which is nothing but a forum shopping. The petitioner's grievance has already been received and addressed. The learned Standing Counsel, on instructions, submits that the first respondent conducted enquiry and closed the same.

4.At this juncture, the learned counsel for the petitioner submits that he is not aware about the further development in the case. Therefore, the third respondent is directed to send a copy of the order to the petitioner with proper acknowledgment due. The petitioner is also at liberty to approach the first respondent and receive a copy of the same.

5.With the above observation, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes/No
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M.NIRMAL KUMAR, J.

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