



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2022

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Writ Petition (MD) No.13380 of 2022

M.Raja Saleem

.. Petitioner

Versus

1.Tamil Nadu Wakf Board,
Through its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Street,
Chennai - 1.

2.The Superintendent of Wakfs,
51/80, KAP Complex,
Kulavanikarpuram,
Palayamkottai,
Tirunelveli - 2.

3.Meeran Kani, S/o.Rajab Mydeen

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to take appropriate action in accordance with law to conduct proper election to select committee to administer the Wakf and Pallivasal of Avuliya Meera Sahib Pallivasal, situated at Achanpudhur, Kadayanallur Taluk, Tenkasi District, in Registration No.GS.No.254, by considering the petitioner's representation, dated 23.09.2021.

For Petitioner : Mr.M.Mohamed Sherbudeen

For Respondents : Mr.S.A.Ajmalkhan
Standing Counsel

ORDER

The petitioner has filed this Writ Petition, seeking a direction to the respondents 1 and 2 to take appropriate action in accordance with law to conduct proper election to select committee to administer the Wakf and Avuliya Meera Sahib Pallivasal, situated



at Achanpudhur, Kadayanallur Taluk, Tenkasi District, by considering his representation, dated 23.09.2021.

2.The contention of the petitioner is that, on 23.09.2021, he had sent a representation to the first respondent, making specific allegations against the third respondent/Vice-President and one Sehu Maideen @ Chelladurai, Treasurer, that the third respondent forced the erstwhile President viz., Nooh Mohamed to withdraw from his Office and arbitrarily took in-charge as President to Avuliya Meera Sahib Pallivasal. With his man and money power, the third respondent attacked the Jamathars and ex-communicated them from the Jamath. Further, without getting any consent from the respondents 1 and 2, the third respondent appointed the said Chelladurai as Treasurer. The third respondent also mismanaged the Pallivasal properties and gave shops to his relatives and also failed to give proper accounts to the income derived from the properties of Wakf. Though the tenure of the third respondent has come to an end on 01.06.2018, he influenced the respondents 1 and 2 and with their help, he is acting as President of the Pallivasal and purposefully, not to fill up the posts of Pallivasal and is enjoying all the earnings and fruits of the Mosque. Though 90% of the members of the Mosque are opposing the third respondent and the Treasurer, they are unable to expose their displeasure openly, fearing that there will be a physical assault and there had been instances of physical assault even inside the Mosque. Further, the third respondent also involved in the offence of sand theft, deer hunting and holding of unlicensed gun. He is using the Office as a shield to all his illegal activities. Despite receipt of complaints from the petitioner i.e., on 23.09.2021 and 07.10.2021, followed by reminders, dated 26.10.2021, 12.11.2021 and 29.11.2021, the respondents 1 and 2 have not taken any action so far. Hence, the present Writ Petition.

3. Heard Mr.S.A.Ajmal Khan, learned Standing Counsel for the respondents 1 and 2, who would submit that the first respondent is the competent authority to consider the representation of the petitioner.

4.The grievance of the petitioner is that, election to Avuliya Meera Sahib Pallivasal to be conducted by the first respondent in a democratic manner.

5.Considering the above said submission, the first respondent is directed to consider the representation of the petitioner and pass appropriate orders to cause enquiry as well as holding of election. The representation of the petitioner shall be considered and appropriate orders shall be passed within a period of eight weeks from the date of receipt of a copy of this order.



6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CRL.SIDE)

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/07/2022

Sub Assistant Registrar (CS)

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To

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

2. The Superintendent of Wakfs,
51/80, KAP Complex,
Kulavanikarpuram,
Palayamkottai,
Tirunelveli - 2.

WP (MD) No.13380 of 2022
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KG (CO)

KB (06.07.2022) 3P 3C