



W.P.No.10544 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.10544 of 2023

and

WMP.Nos.10483 & 10484 of 2023

1.K.N.Ziaudeen
2.M.Parvesh Khan
3.S.Fayaz Khan

...Petitioners

Vs.

1.Tamil Nadu Waqf Board
rep.by its Chairman
No.1, Jaffar Syrang Street
Vallal Seethakathi Nagar
Chennai – 1.

2.Chief Executive Officer
Tamil Nadu Waqf Board
No.1 Jaffar Syrang Street
Vallal Seethakathi Nagar
Chennai – 1.

3.The Superintendent of Wakf
Coimbatore Zone
Office at Hyder Ali Tippu Sultan Mosque & Kabarastan
Mettupalayam Road
Coimbatore 641 001.



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4.Kaleem Basha

Former President / Muthavalli

Alk Mazdul Madina Thakkni Aghuls Sunnat Wal Jammath

Residing at 12, Loits Avenue

Pothanur, Coimbatore 23.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in his proceedings in Ref.No.Proc.No.10485/07/B3/CBE dated 21.11.2022 and quash the same as illegal, arbitrary, amounts to abdication of statutory duty and without jurisdiction and further direct the first respondent to take a final decision on the petitioner's complaints dated 14.06.2022 seeking enquiry and removal of Muthavalli for misfeasance and malfeasance of waqf fund as required under Section 64(1) (i) of the Waqf Act, 1995, after furnishing copies of the documents produced by the fourth respondent and the audit thereon, within a time frame as may be fixed by this Court.

For Petitioners : Mr. R.Veeramani

For Respondents : Mr.S.Haja Mohideen Gisthi
Standing Counsel for R1 to R3
Mr.N.Ishtiaq Ahmed for R4



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ORDER

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The Writ Petition is filed challenging the order passed by the second respondent dated 21.11.2022 in respect of the election to the wakf of AL Mazdul Madin Thakkni Aghuls Sunnat Wal Jammath.

2. According to the petitioners, they are the members of AL Mazdul Madin Thakkni Aghuls Sunnat Wal Jammath registered with wakf under the Wakf Act. The petitioners found certain irregularities in the management of the wakf properties and therefore, made a complaint to the first respondent on 14.06.2022. Though the petitioners, in the affidavit, averred that they had made a complaint to the first respondent, a perusal of the complaint would make it clear that the complaint was addressed to the second respondent. Since the complaint was not considered, a Writ Petition was filed by the petitioners before this Court in W.P.No.17030 of 2022. Even in the said Writ Petition, the first respondent/Wakf Board was represented by the second respondent namely Chief Executive Officer. The said Writ Petition came to be disposed of by this Court by order dated 06.07.2022 directing the official respondents therein to consider the petitioners' representation and dispose of the same in accordance with law.



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3. Pursuant to the directions issued by this Court the second respondent who was arrayed as first respondent in the Writ Petition has enquired into the complaint of the petitioner and passed the impugned order directing the conduct of elections to the above said wakf, under the supervision of the Superintendent of the Wakf Board. The said order is impugned by the petitioners in this Writ Petition on the ground that the second respondent has no jurisdiction to enquire into the allegations of misappropriation alleged against the management of the Wakf.

4. Needless to say, the petitioner himself arrayed the second respondent as the first respondent in the Writ Petition filed by him and direction was issued by this Court to conduct enquiry on the complaint given by the petitioners and dispose the same in accordance with law. Therefore, the second respondent, in pursuance of the directions issued by this Court, has considered the complaint of the petitioners and passed necessary orders. Therefore, it is not open to the petitioners to say that the second respondent ought not to have considered the complaint.

5. The writ petitioner also filed another Writ Petition in



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W.P.No.11479 of 2023 making allegation of financial irregularities and sought for direction to consider his representation for direct assumption of management of Wakf by the first respondent. In these circumstances, even allegations of the financial irregularities made by the petitioners would be considered by the first respondent/Wakf Board in the complaint made by the petitioner which is subject matter of the Writ Petition in W.P.No.11439 of 2023 which is also disposed of by this Court today. In these circumstances, I do not find any merits in this Writ Petition.

6. Accordingly, this Writ Petition is dismissed. No costs.

Consequently, connected Miscellaneous Petitions are closed.

05.07.2023
(2/2)

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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S.SOUNTHAR, J.

dna

To

- 1.The Chairman
No.1, Jaffar Syrang Street
Vallal Seethakathi Nagar
Chennai – 1.
- 2.Chief Executive Officer
Tamil Nadu Waqf Board
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