



W.P.No.10877 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.10877 of 2023
and WMP No.10787 of 2023

Mr.C.A.Iqbal Ahmed

...Petitioner

Vs

1. The Secretary
Minority Welfare Dept.
Secretariate of Tamil Nadu Government, St . George Fort,
Chennai 09
- 2 The Chief Executive officer,
Tamil Nadu Waqf board , No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar, Chennai 01
- 3 The Director,
Office of Public Accountant General,
4th Floor, Professor K.Anbazhagan Complex,
Nandanam, Chennai 35
- 4 The superintendent,
TN Waqf Board , Vellore Zone.
- 5 The Tahsildar
Ambur Taluk, Tirupathur district



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6 Mr.Ahamed Afroze
Muthawalli Neelikollai Masjid, Ambur, Ambur Taluk
Tirupathur District

...Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to consider the representation dated 7.03.2023 of the petitioner and direct 1st respondent with the assistant of 3rd respondent to conduct a departmental inquiry against 2nd respondent within the time stipulated by this Court.

For Petitioner	: Mr.K.Shahul Hameed
For Respondents	: Mrs.S.Mythreye Chandru Special Government Pleader for R1 and R5 Mr.S.Haja Mohideen Gisthi Standing counsel for R2 and R4

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the 1st respondent to consider the representation made by the petitioner on 07.03.2023 wherein the



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petitioner has sought for taking departmental action against the respondents 2 and 4.

2. The petitioner claims to be the Jamath member of the Neelikkollai Masjid Waqf. The petitioner has alleged that Tamil Nadu Waqf Board had appointed a management committee to manage the affairs of the waqf in the year 2015. According to the petitioner, the Chief Executive Officer and the Superintendent of the Waqf Board were involved in a lot of illegal activities and they mismanaged the Waqf. That apart, the Tamil Nadu Waqf Board was also not taking any steps to conduct the election and to elect the members of the Waqf. As a result, the income of the waqf from the year 2015 onwards has been misappropriated and no audit has been conducted and the persons who are involved in the misappropriation are continued year after year by making them as the members of the Management Committee. Left with no other option, the petitioner made a representation to the 1st respondent on



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07.03.2023 and sought for initiating enquiry against the respondents 2 and 4. Since the representation did not evoke any response, the present writ petition has been filed before this Court seeking for appropriate directions.

3. Heard Mrs.S.Mythreye Chandru, learned Special Government Pleader for R1 and R5 and Mr.S.Haja Mohideen Gisthi, learned Standing counsel for R2 and R4.

4. The relief sought for by the petitioner pertains to the non-consideration of the representation dated 07.03.2023 by the 1st respondent. On going through the representation, it is seen that the petitioner has made several allegations against these two respondents. It is brought to the notice of this Court that the person who was holding the post of CEO of the Board has already retired. That apart, the waqf board through proceedings dated 17.02.2023 has appointed a management committee for a period of one year from 10.02.2023 to 09.02.2024.



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5. Insofar as the members of the Management committee is concerned, there are no allegations made against them either in the representation or in the affidavit filed in support of the writ petition. The main grievance seems to be that the board is not taking action to conduct elections and allow the elected members to take over the administration of the Waqf. Disposing of this writ petition by giving a direction to the 1st respondent to act upon the representation will not in any way improve the present status of the trust and will not enable any one to get into the administration of the trust. The main objection must be to ensure that the Waqf comes under the administration of elected members instead of continuing to be administered by the Management committee appointed by the Board every year. This has been going on from the year 2015 onwards and for nearly 8 to 9 years, there has been no elections and the management committee appointed by the Waqf alone is in control of the administration of the Waqf.



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6. In view of the above, this Court is inclined to dispose of this writ petition by issuing a direction to the Tamil Nadu Waqf Board to take immediate steps to conduct the election and to hand over the administration of the Management to the elected members. This step will effectively resolve all the problems. This process shall be completed by the Board within a period of six months from the date of receipt of a copy of this order.

7. This writ petition is disposed of accordingly. No costs.

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