



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.11339 of 2023

M.Abdul Nazeer

Petitioner

vs.

1.The Tamil Nadu Waqf Board,
Rep. By its Chairman,
No.1 Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

2.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1 Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the representation dated 07.03.2023, within a period of stipulated time and thereby conduct enquiry under Section 70 and 71 of the Waqf Act, 1995.

For Petitioner : Mr.M.M.I.Khaleel

For Respondents : Mr.G.Mohammed Aseef
Standing Counsel

**ORDER**

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This writ petition has been filed by one of the Member selected from the Melatheru Poorviga Jamath seeking for the issue of writ of mandamus directing the respondents to consider the representation dated 07.03.2023 and to take a decision within the time frame fixed by this Court.

2. Heard Mr.M.M.I.Khaleel, learned counsel appearing on behalf of the petitioner and Mr.G.Mohammed Aseef, learned Standing Counsel appearing on behalf of the respondents.

3.The case of the petitioner is that Mohaideen Andavar Dargah & Pallivasal and Mina Noordeen Dargah & Pallivasal Waqfs are public property. The Committee which is administering the Waqf is governed by a scheme framed under Section 32 of the Waqf Act, 1995 (hereinafter referred to as “the Act”). The grievance of the petitioner is that the Waqf is not being maintained properly and various irregularities have been committed by some of the members. In view of the same, a representation was made to respondents to conduct an enquiry under Section 70 and 71 of the Act. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.



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4. In the considered view of this Court, if the petitioner is seeking for conducting an enquiry under Section 70 and 71 of the Act, the petitioner has to make a formal application in the prescribed format before the Waqf Board. The petitioner has only sent a representation to the Waqf Board. In view of the same, it is left open to the petitioner to file a proper petition before the Waqf Board in the prescribed format. On receipt of the same, the respondents shall conduct an enquiry on being satisfied with the irregularities pointed out by the petitioner after affording opportunity to all the parties concerned and take action, strictly in accordance with law. The respondents shall complete the enquiry and take appropriate action after the petition is filed by the petitioner, as expeditiously as possible.

5. This writ petition is disposed of in the above terms. No Costs.

13.04.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
SSR

(2/2)



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N. ANAND VENKATESH, J.

SSR

To

1. The Chairman,
Tamil Nadu Waqf Board,
No.1 Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.
2. The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1 Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

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