



W.P. No. 13878 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 13878 of 2022

and

W.M.P. No. 13146 of 2022

Dilshad Begum

... Petitioner

-VS-

1. The Tamil Nadu Waqf Board,
Represented by its Chairman,
No. 1, Jafar Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.
2. The Chief Executive Officer,
Tamil Nadu Waqf Board,
No. 1, Jafar Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.
3. The Superintendent of Waqf,
Tamil Nadu Waqf Board,
No. 1, Jafar Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.
4. The Revenue Divisional Office,
South Chennai, Guindy,
Chennai.
5. K.P.Ismath Basha
6. Balquees Begum
7. Fathima Beguma



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8. Rasheeda Begum

9. Shameem

10. Naseema

11. Praveen Begum

12. B.Saleem

13. T.Zakir Hussain

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Prohibition, prohibiting the First and Second Respondents and their subordinates from proceeding further with entertaining the application of the 13th Respondent dated 18.09.2021 or from any other persons in respect of M/s. Asar-e-Shariff Wakf is situate at No. 18, Wallajah Big Mosque Lane, Mount Road, Chennai – 600 002 and further prohibiting the First and Second Respondents from taking any decision on the application of the 13th Respondent herein.

For Petitioner : Mr. A.Ilayaperumal

For Respondents : Mr. S.Haja Mohideen Gisthi
(for R1 to R3)

Mr. S.J. Mohamed Sathik
Government Advocate (for R4)

Mr. N.A.Nasser Hussain (for R5)

Not Ready in Notice (for R6 to R12)

Mrs. A.Ajimath Begum (for R13)

ORDER



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Heard Mr. A.Ilayaperumal, Learned Counsel appearing for the Petitioner, Mr. S.Haja Mohideen Gisthi, Learned Counsel appearing for the First to Third Respondents, Mr. S.J.Mohamed Sathik, Learned Government Advocate appearing for the Fourth Respondent, Mr. N.A.Nasser Hussain, Learned Counsel appearing for the Fifth Respondent and Mrs. A.Ajimath Begum, Learned Counsel for the Thirteenth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. Having regard to the nature of order proposed to be passed in the Writ Petition, which would not cause any prejudice to the Sixth to Twelfth Respondents, notice to them is dispensed with.

3. The Petitioner is functioning as Mutawalli of Asar-e-Shariff Waqf (hereinafter referred to as 'the Waqf' for short) situated at No. 18, Wallajah Big Mosque Lane, Mount Road, Chennai – 600002. The Thirteenth Respondents had made complaint dated 18.09.2021 against the Petitioner relating to the Waqf before the First and Second Respondents. According to the Petitioner, the said complaint must not be taken up by the First and Second Respondents as the same allegations have been rejected earlier by order dated 24.12.2019 in the appeal in AA No. 16 of 2019 passed by the Tamil Nadu Waqf Tribunal.



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4. On perusal of the order dated 24.12.2019 in AA No. 16 of 2019 passed by the Tamil Nadu Waqf Tribunal, it is evident that it relates to a challenge to the appointment of the Petitioner as Mutawalli of the Waqf, but the present complaint dated 18.09.2021 made by the Thirteenth Respondent is regarding certain irregularities said to have been committed by the Petitioner in the sale of properties of the Waqf, which are obviously different from each other.

5. In such circumstances, it is not possible to accept the contention of the Petitioner that the First and Second Respondents must be restrained from proceeding with the enquiry in the pending complaint against her. It is needless to add here that while conducting the enquiry, the prescribed procedure shall be followed affording full opportunity of personal hearing to all parties concerned including the Petitioner and the Thirteenth Respondent in consonance with the principles of natural justice and a reasoned order shall be passed dealing with each of the contentions raised on merits in accordance with law and the decision taken communicated in writing to them.

In the result, the Writ Petition is disposed with the aforesaid observations.



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Consequently, the connected Miscellaneous Petitions are closed. No costs.

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Index: Yes/No

NCC: Yes/No

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To

1. The Chairman,
Tamil Nadu Waqf Board,
No. 1, Jafar Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.
2. The Chief Executive Officer,
Tamil Nadu Waqf Board,
No. 1, Jafar Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.
3. The Superintendent of Waqf,
Tamil Nadu Waqf Board,
No. 1, Jafar Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.
4. The Revenue Divisional Office,
South Chennai, Guindy,
Chennai.

Copy to

1. Dilshad Begum,
D/o. Azeeza Bee @ Azeez Jan,
No. 61/29, Mayor Chittibabu Street,
Triplicane,
Chennai – 600 005.



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2. Balquees Begum,
W/o. Ghouse Sheriff,
No. 101, Mallan Ponnappan Street,
Ice House, Chennai – 600 005.
3. Fathima Beguma,
W/o. Late. Abdul Razack,
No. 101, Mallan Ponnappan Street,
Ice House, Chennai – 600 005.
4. Rasheeda Begum,
W/o. Jaleel Khan,
No. 101, Mallan Ponnappan Street,
Ice House, Chennai – 600 005.
5. Shameem,
W/o. Late Chand,
No. 101, Mallan Ponnappan Street,
Ice House, Chennai – 600 005.
6. Naseema,
W/o. Inayath Hussain Jeddy,
No. 101, Mallan Ponnappan Street,
Ice House, Chennai – 600 005.
7. Praveen Begum,
W/o. Late Rafi,
No. 101, Mallan Ponnappan Street,
Ice House, Chennai – 600 005.
8. B.Saleem,
S/o. Late A.Basheer Ahmed,
No. 13/6, Thowlath Khan Street,
Anna Salai,
Chennai – 600 002.
9. T.Zakir Hussain,
S/o. Ahamed Basha,
No. 4, Sivaprakasam Line,
Chennai – 600 002.



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P.D. AUDIKESAVALU, J.

nsi

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