



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.17136 of 2023
and W.M.P Nos.16304 & 16305 of 2023

Mohamed Yousuf

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.

3.The President,
Khurasanipeer Dargah and Papan Chavadi Mosque,
Old o.54, Dr. Muthulakshmi Salai,
L.B.Road, Adayar,
Chennai – 20.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling upon the records of the 2nd respondent in Proc.No.12714/10/B6/Chennai dated 31.03.2023 and thereby quash the same as illegal, ultravires and arbitrary and further direct the 1st respondent to conduct enquiry in accordance with waqf Act 1995.



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

For Respondents : Mr.Mohamed Fayaz Ali
Standing Counsel for R1 & R2

ORDER

This writ petition was filed challenging the impugned proceedings of the 2nd respondent dated 31.03.2023 and for a direction to the 1st respondent to conduct inquiry in accordance with the Waqf Act, 1995 (hereinafter referred to as “the Act”).

2.When the writ petition came up for admission on 09.06.2023, this Court directed the learned Standing Counsel appearing on behalf of the Waqf Board to take instructions and report before this Court.

3.When the matter taken up for hearing today, the learned Standing Counsel appearing on behalf of the Board submitted that the representation made by the petitioner on 23.01.2023 was considered and the main grievance that has been expressed in this representation pertains to the constructions that have been put up by the Waqf. The learned Standing Counsel submitted that such constructions are being put up only pursuant to the permission granted by the Board. In view of the same, there is no scope for taking any action on the representation made by the petitioner, since the constructions was made after obtaining proper permission.



4. The learned counsel for the petitioner submitted that apart from the constructions put up in the property, there are serious allegations of misappropriation of funds and maladministration of the Waqf and representations have been made in this regard. Therefore, the learned counsel for the petitioner submitted that the Board has to take cognizance of those representations and take necessary action.

5. The allegations with regard to misappropriation or maladministration of the Waqf does not form part of the representation given by the petitioner on 23.01.2023. The learned counsel for the petitioner was referring to a complaint/representation that was made by one A.Kasali on 30.03.2023, which contains all those allegations. There was no occasion for the 2nd respondent to deal with this representation, since the impugned proceedings were issued on 31.03.2023 based on the representation made by the petitioner. In view of the same, a proper application has to be submitted before the Board under Section 70 of the Act and only thereafter, the Board will be able to act upon the same and hold the inquiry in the manner prescribed under Section 71 of the Act.

6. In the light of the above discussion, this writ petition is disposed of by giving liberty to the petitioner to make a proper application before the Board in line with Section 70 of the Act. If any such application is made, the Board shall proceed



N. ANAND VENKATESH, J.

ssr

further with the inquiry as per Section 71 of the Act. Except giving this liberty, no further orders can be passed in this writ petition.

7.This writ petition is disposed of in the above terms. No Costs. Consequently, connected miscellaneous petitions are closed.

**16.06.2023
(2/2)**

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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.
- 3.The President,
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