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W.P. No. 18052 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2023

CORAM

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

W.P. No. 18052 of 2023

and

W.M.P. Nos. 17227 and 19524 of 2023

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. K.P.Ismath Basha

5. Balquees Begum

6. Fathima Beguma

7. Rasheeda Begum

8. Shameem



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9. Naseema

10. Praveen Begum

11. 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 from enquiring the complaint given by the Fifth to Eleventh Respondent dated 22.09.2021 and 09.11.2022 from taking any coercive steps by passing final orders.

For Petitioner : Mr. B.Sasidharan

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

Mr. N.A. Nasser Hussain (for R4)

Not Ready in Notice (for R5 to R10)

Mrs. A. Ajimath Begum (for R11)

ORDER

Heard Mr. B.Sasidharan, Learned Counsel for the Petitioner, Mr. S.Haja Mohideen Gisthi, Learned Counsel appearing for the First to Third Respondents, Mr. N.A. Nasser Hussain, Learned Counsel for the Fourth Respondent and Mrs. A. Ajimath Begum, Learned Counsel for the Eleventh Respondent and perused the materials placed on record, apart from the pleadings of the parties.



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2. Having regard to the nature of order proposed to be passed in the Writ Petition, which would not cause any prejudice to the Fifth to Tenth 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 Fifth and Eleventh Respondents had made complaints dated 09.11.2022 and 22.09.2021 respectively 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. 15 of 2019 passed by the Tamil Nadu Waqf Tribunal.

4. On perusal of the order dated 24.12.2019 in AA No. 15 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 complaints dated 09.11.2022 and 22.09.2021 made by the Fifth and Eleventh Respondents respectively are regarding certain irregularities said to have been



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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 complaints 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 Fifth and Eleventh Respondents 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. 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,



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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.

Copy to

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



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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. T.Zakir Hussain,
S/o. Ahamed Basha,
No. 4, Sivaprakasam Line,
Chennai – 600 002.



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P.D. AUDIKESAVALU, J.

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