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W.P.No.33016 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 20.03.2023

CORAM

THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No. 33016 of 2019

A.J.Sahabudeen
S/o.Late Abdul Jabbar
22A, Chinnanna Rowther Street
Analamalai (Post), Pollachi Taluk 642 104.
Vs.

... Petitioner

Tamil Nadu Wakf Board
Rep. by its Chief Executive Officer
No.1, Jaffar Shirang Street
Seethakadhi Nagar, Madras 600 001

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the Respondent to hold an enquiry in respect of non-performance of putting up construction in the place of old mosque and misappropriation of collected funds by building Committee appointed by the Board vide its order 8147/3/91/Kovai dated 06.07.2011 and to consider the Petitioner for appointment as Muthavalli of Wakf viz., Anamalai New Mosque @ Big Mosque enabling to proceed with construction of Building for Mosque in pursuant to the representation dated 21.10.2017, 05.07.2018, 18.03.2019 submitted by the Petitioner and for proper administration.

For Petitioner : Mr.R.Tholgappian

For Respondents : Mr.Haja Mohideen Gisthi
Standing counsel



W.P.No.33016 of 2019

ORDER

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This Writ Petition has been filed seeking direction to the Respondent to hold an enquiry in respect of non-performance of putting up construction in the place of old mosque and misappropriation of collected funds by building Committee appointed by the Board vide its order 8147/௮3/91/Kovai dated 06.07.2011 and to consider the Petitioner for appointment as Muthavalli of Wakf viz., Anamalai New Mosque @ Big Mosque enabling to proceed with construction of Building for Mosque in pursuant to the representation dated 21.10.2017, 05.07.2018, 18.03.2019 submitted by the Petitioner and for proper administration.

2.Heard the learned counsel for the Petitioner and the learned standing counsel appearing on behalf of the Respondent.

3.Mr.Haja Mohideen Gisthi, learned standing counsel for the Respondents filed vakalat on behalf of Wakf Board and would submit that for the relief sought for by the Petitioner for appointing him as Mutawalli, he has to approach the Wakf Board under Section 83 of the Wakf Board Act and hence, that extent cannot be gone into by this Court.

4.In respect of the alleged misappropriation of new building fund and



W.P.No.33016 of 2019

misappropriation of general fund and non construction of new mosque in the place of old mosque is concerned, learned counsel appearing for the Wakf Board has produced necessary proceedings, which has been initiated as early as on 29.11.2021 and in respect of the allegation made by the Petitioner an enquiry was ordered and the matter is posted for appearance of the delinquents on 23.03.2023 at Wakf Board's office and such communication of notice dated 10.03.2023 has been sent to Janab CKWM Ahamed Kabir and Janab Abdul Wahab, who are not made as parties to this proceedings and hence nothing survives in this Writ Petition.

5.In view of the above said submission, the Wakf Board is directed to complete the enquiry and pass orders within a period of twelve weeks from the date of first hearing. In fine, this Writ Petition is disposed of to the extent indicated above. No costs. Consequently, connected Miscellaneous Petition is closed.

20.03.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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W.P.No.33016 of 2019

RMT.TEEKAA RAMAN, J.

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To

Tamil Nadu Wakf Board
Rep. by its Chief Executive Officer
No.1, Jaffar Shirang Street
Seethakadhi Nagar
Madras 600 001

W.P.No. 33016 of 2019

Dated:20.03.2023