



W.P. No. 29230 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2023

CORAM

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

W.P. No. 29230 of 2023

and

W.M.P. No. 28828 of 2023

Syed Mohamed Sahabudeen

... Petitioner

-VS-

1. The Tamil Nadu Waqf Board
Represented by its Chairman,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600001.

2. The Tamil Nadu Waqf Board,
Represented by its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600001.

3. The Managing Trustee
Represented by its Nagore
Dargha Board of Trustees,
Nagore – 611002,
Nagapattinam District.

4. Kalifa Mastan Sahib

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent to give me opportunity in the enquiry conducted by the Wakf Board in Na. Ka. No. 15838/89/AA7/Nagai dated 11.08.2023 before passing orders.



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For Petitioner : Mr. V.Raghavachari,
Senior Counsel
for Mr. G.Anandaraj

For Respondents : Mr. Mohammed Fayaz Ali (for R1 & R2)

Ms. Ajimath Begum (for R3)

ORDER

Heard Mr. V.Raghavachari, Learned Senior Counsel assisted by Mr. G.Anandaraj, Learned Counsel for the Petitioner, Mr. Mohammed Fayaz Ali, Learned Counsel who takes notice for the First and Second Respondents and Mr. Ajimath Begum, Learned Counsel who takes notice for the Third Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

2. It is represented that the First Respondent is conducting enquiry in Na. Ka. No. 15838/89/AA7/Nagai relating to the Third Respondent, viz., Nagore Dargha, with reference to the complaint said to have been made by the Petitioner against the Fourth Respondent. The grievance ventilated by the Petitioner in this Writ Petition is that the said enquiry has been concluded without hearing the Petitioner to substantiate his contentions before the First Respondent.



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3. In response, Learned Counsel appearing for the First and Second Respondents has filed a memo dated 18.10.2023 in which it has been stated as follows:-

“ The subject Waqf namely Hajrath Kuthbul Akthabu Barthul Akbala Sayathina Shagul Hamid Khader Ali Gamja Saroj Karja Baksh Bathusha Sahib Andavar @ Nagore Dargah Waqf is a surveyed and notified waqf bearing G.S.No.187/TNJ. The subject waqf is under the supervisory control of the Tamil Nadu Waqf Board.

The Division Bench of this Hon'ble Court had directed the Chief Executive Officer to place all the records before the First Respondent /Waqf Board and the Waqf Board shall consider the issue in accordance with the law by duly conducting an enquiry into the allegations made and pass orders in accordance with law. In the process it shall also be within its realm to lay down about the nature and conditions of the office of Kalifa.

The enquiry as per the above order was conducted on 31.05.2023 and 22.08.2023 and the orders were reserved. The



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present Petitioner is neither a party in the W.P. No. 1187 of 2023 and nor in Writ Appeal No. 166 of 2023. If this Hon'ble Court directs, notice shall be sent to the present Petitioner and the present Petitioner will be heard and final orders will be passed."

4. In view of the same, this Court without expressing any view on the merits of the controversy, passes the following order:-

- (i) it shall be incumbent upon the First Respondent to afford full opportunity of hearing to all parties concerned including the Petitioner and the Fourth Respondent in the enquiry relating to the Waqf of the Third Respondent following the prescribed procedure in consonance with the principles of natural justice;
- (ii) it shall be ensured that there are atleast two effective hearings every month showing progress of the case;
- (iii) the First Respondent shall deal with each of the contentions raised and pass reasoned orders on merits in accordance with law and communicate the decision taken to the concerned parties under written acknowledgment;



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(iv) the report of such compliance shall be filed by 31.12.2023 before the

Registrar (Judicial) of the Court.

In the result, the Writ Petition is disposed on the aforesaid terms.

Consequently, the connected Miscellaneous Petition is closed. No costs.

18.10.2023

Maya

NCS : Yes/No

Index: Yes/No

Note: Issue order copy by 31.10.2023.

To

1. The Chairman,
The Tamil Nadu Waqf Board
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600001.
2. The Chief Executive Officer,
The Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600001.
3. The Managing Trustee
Nagore Dargha Board of Trustees,
Nagore – 611002,
Nagapattinam District.



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P.D. AUDIKESAVALU, J.

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