



W.P.(MD) No.7854 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2023

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

**W.P.(MD) No.7854 of 2023
and
W.M.P.(MD) Nos.7274 and 7277 of 2023**

M.Mohamed Yahiya

... Petitioner

/vs./

- 1.The Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seedhakathi Nagar,
Chennai 600 001.
- 2.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seedhakathi Nagar,
Chennai 1.
- 3.The Superintendent of the Wakfs,
Office of the Regional Wakf Supervisor,
176/11, 1st Floor, Therpasayanam Road,
Vellipattinam,
Ramanathapuram 623 504.



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4.M.Mohamed Ayup

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to frame a scheme for the management and administration of Virudhunagar Town Periya Pallivasal Jama-adh based on the petitioner's representation dated 13.03.2023 within the time frame stipulated.

For Petitioner : Mr.Srikanth for
M/S.Apn Law Associates

For R1 to R3 : Mr.N.Mohideen Basha
Standing Counsel

For R4 : Mr.Mahaboob Athiff

ORDER

The above writ petition is filed for the issue of a Writ of Mandamus directing the first respondent to frame a scheme for the management and administration of Virudhunagar Town Periya Pallivasal Jamadh based on the petitioner's representation dated 13.03.2023.

2.It is the case of the petitioner that he is a member of the Virudhunagar Periya Pallivasal Jamadh and was its President for the year 2013-2016. During his



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tenure, several welfare measures had been introduced for the Jamadh. After 2016, one Syed Ibrahim was elected as President with his team members. He also continued to administer the Wakf in a transparent and an efficient manner. The Jamadh own several properties both building as well as the land and was generating income from leasing and renting these properties. On 04.08.2019, a new executive committee was elected, which was to remain an office till 03.08.2022. However, despite their tenure coming to an end, the office bearers are misusing the power and misappropriating the funds of the Jamadh. During their period, several anomalies had taken place in the administration of the Jamadh. The properties belonging to the Jamadh have been liberally leased out to close associates without getting the consent of the Jamadh. Therefore, the petitioner and the other members had questioned the misuse of power and misappropriation of funds and 100 members had given a representation to the respondents calling upon them to frame a scheme under Section 69 of the Wakf Act, 1955 on 13.03.2023. However, the respondents have not considered this request. When the matter came up today, the petitioner reiterated the contents of the affidavit filed in support of this writ petition.



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3.Mr.N.Mohideen Basha, learned Standing Counsel appearing for the first respondent would submit that there is an enquiry pending against the fourth respondent and after the enquiry is concluded, the first respondent shall take steps to consider the representation of the petitioner to frame a scheme.

4.I am at loss to understand as to why the procedure for framing a scheme should await the result of an enquiry in the misappropriation and misuse of funds as how that enquiry can be an impediment to the first respondent considering the request of the petitioner and others to frame a proper scheme for the administration of the Wakf.

5.It is the contention of the learned counsel for the petitioner that on the last occasion when they had filed a writ petition seeking a direction to hold an election, the first respondent had stated that there was no scheme framed for this Wakf for holding elections and therefore, the petitioner has moved this writ petition to set right this anomaly. This being the case, the reason that is now projected by the first respondent for not proceeding to frame a scheme has to necessarily be rejected.



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6.In the result, the Writ Petition is therefore allowed. The respondents shall take steps to frame a scheme within a period of three weeks from the date of receipt of a copy of this order or from the date of furnishing of the copy of this order by any one of the parties. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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