



W.P.(MD) No.15673 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2023

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

**W.P.(MD) No.15673 of 2023
and
W.M.P.(MD) No.13152 of 2023**

A.Sheik Abdullah

... Petitioner

/vs./

- 1.The Chairman,
Tamil Nadu Wakf Board,
Chennai.
- 2.The Chief Executive Officer,
Tamil Nadu Wakf Board,
Chennai.
- 3.The Superintendent of Wakf,
the office of the Superintendent of Wakf,
Ramanathapuram.

4.E.M.S.Shahul Hameedhu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents No.1 and 2 to pass orders on the petitioner's interim application dated 19.05.2023 being filed



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pending enquiry proceeding initiated against the 4th respondent under Section 64(5) of the Wakf Act, 1995, forthwith on the basis of the Resolution No.258 dated 09.02.2023 passed in the Malungu Oliyullah Dharga Wakf, North Street Muslim Jamath, Thondi, Ramanathapuram District.

For Petitioner : Mr.R.Anand

For R1 to R3 : Mr.D.S.Haroon Rasheed
Standing Counsel

ORDER

The petitioner has sought a Mandamus to the respondents 1 and 2 to pass orders on the petitioner's interim application dated 19.05.2023 pending enquiry against the fourth respondent under Section 64(5) of the Wakf Act, 1995 forthwith on the basis of the resolution No.258 dated 09.02.2023 passed in the Malungu Oliyullah Dharga Wakf, North Street Muslim Jamath, Thondi, Ramanathapuram District.

2.The sum and substance of the petitioner's case is that the fourth respondent had misappropriated amounts of the Jamadh and had also indulged in fraud particularly in money matters. That apart, he has not rendered the accounts in connection with the money spent by him. The general body meeting was



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therefore convened on 24.01.2023, where the fourth respondent was directed to produce the bills and accounts relating to the money being spent by him, which he had conceded to. Pursuant to this resolution, the petitioner had appointed four persons including an Accountant in order to verify the accounts. However, the fourth respondent, who had assured to hand over the accounts, had unilaterally sent a letter dated 06.02.2023 to the Jamadh stating that he had terminated the services of the four persons.

3.Taking into consideration the day-to-day problems being given by the fourth respondent, a meeting was called on 09.02.2023 to decide as to whether the fourth respondent should be continued in the administration of the Jamadh. It was unanimously resolved to remove him from the Presidentship and resolution No. 258 came to be passed removing the fourth respondent. An application under Section 64 for his removal is also pending, despite which the petitioner is now taking action against those office bearers, who had signed the resolution and raised their voice against the fourth respondent. Therefore, the petitioner has moved an interim application, which has not been taken up by the second respondent. Therefore, the present writ petition has been filed.



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4.Heard the learned counsels appearing on either side and perused the records.

5.A perusal of the application, which is claimed to be an interim application, would clearly show that it is not an interim application but the main prayer for removing the Muthavalli is sought for in the said application. Therefore, the petitioner shall file an appropriate application before the second respondent. Consequently, the Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

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

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P.T.ASHA, J.

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