



W.P.(MD).No.21623 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P.(MD).No.21623 of 2023
and
W.M.P.(MD).No.18031 of 2023**

M.K.Alam Khan

... Petitioner

Vs.

- 1.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethalakshmi Nagar,
Chennai – 600 001.
- 2.The Wakf Superintendent,
Trichy Zone,
No.8/124, 2nd Floor,
Quide Millath Road,
Palakarai,
Trichy – 620 008.
- 3.The Inspector of Wakf,
Office of the Wakf Inspector – Trichy,
No.8/124, 2nd Floor,
Quide-Millath Road,
Palakarai, Trichy – 620 008.



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4. The Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethalakshmi Nagar,
Chennai – 600 001.

... Respondents

(R-4 is suo motu impleaded vide Court Order dated 05.09.2023 in W.P.(MD).No.21623 of 2023).

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order made by the first respondent in his proceedings in Na.Ka.No.7842/16/A5/Trichy dated 14.07.2023 and quash the same as illegal insofar as it relates to the exclusion of the petitioner's name is concerned and consequently direct the second respondent to include the name of the petitioner as a Member of Administrative Committee of the New Mosque Wakf @ Periya Pallivasal Wakf in the Register of Wakf Management maintained by the Wakf Board.

For Petitioner : Mr.M.Rajarajan

For Respondents : Mr.G.Chandrasekar,
Standing Counsel.



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ORDER

This Writ Petition is filed to quash the order dated 14.07.2023 insofar as it relates to the exclusion of the petitioner's name is concerned and consequently direct the second respondent to include the name of the petitioner as a Member of Administrative Committee of the New Mosque Wakf @ Periya Pallivasal Wakf in the Register of Wakf Management maintained by the Wakf Board.

2. The contention of the petitioner is that the election was conducted for electing Mutawalli, Assistant Mutawalli, Secretary, Treasurer and Members for the said Wakf for a period of three years. In the said election, an administrative committee of the Wakf comprising of 13 members were selected including the petitioner. Subsequently, the Wakf Board has approved the elected body but has left out the petitioner from the list. Hence, the petitioner is aggrieved by the non -inclusion of his name in the administrative committee and has filed this writ petition.



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3. The contention of the respondents is that the petitioner is in possession of wakf property and he is enjoying the property, which is a disqualification to hold the post. Hence, his name was removed from the list. The respondents have relied on the rent receipt issued by the earlier Mutawalli. However, the contention of the petitioner is that the petitioner is not in possession and enjoyment of the wakf property at all, hence the alleged rental receipt is bogus. Without conducting proper enquiry, the respondents have removed the petitioner's name. The petitioner further relied on the representation of the other elected members who had submitted a representation on 21.08.2023 stating that removing of the petitioner from the Committee is inappropriate and prayed to include the petitioner's name in the committee.

4. Therefore, this Court is of the considered opinion that without conducting proper enquiry, removing of the petitioner from the elected body is illegal. Hence, this Court is directing the Respondent Waqf to conduct an enquiry by issuing notice to the petitioner as well as to one Raja Mohideen, the erstwhile Secretary and thereafter pass orders. If the contention of the petitioner is correct, then the respondents ought to include the petitioner's name in the committee.



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5. The appropriate authority is the Board. Therefore, this Court is suo motu impleading the Chairman of the Tamil Nadu Waqf Board, No.1, Jaffer Syrang Street, Vallal Seethalakshmi Nagar, Chennai – 600 001, as one of the respondent in this Writ Petition. The Board is directed to conduct an enquiry by issuing notice to the petitioner also to Raja Mohideen, the erstwhile Secretary and pass orders within a period of four (4) weeks from the date of receipt of a copy of this order. It is made clear that the Board shall not further extend the period granted supra under the guise of enquiry. The Board is strictly directed to conduct enquiry and pass orders within the prescribed period, if not the petitioner's name shall be automatically included.

6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

05.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

Note: Issue Order Copy on 07.09.2023.



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To

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Chennai – 600 001.
2. The Wakf Superintendent,
Trichy Zone, No.8/124, 2nd Floor,
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3. The Inspector of Wakf,
Office of the Wakf Inspector – Trichy,
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4. The Chairman,
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S.SRIMATHY, J.

Nsr

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