



W.P(MD)No.24404 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 16.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.24404 of 2023 and
WMP(MD) No.20594 of 2023

Mohammed Meerasahib. S

... Petitioner

Vs

**1.The Tamil Nadu Waqf Board,
Rep by its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai 01.**

**2.The Chairman,
Tamil Nadu Waqf Board,
No. 1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai 01.**

**3. Adirampatnam Madarasatul Salahifi,
Aththarameel Falahi @ MKN Madarasa Wakf,
Khadir Mohideen College Campus,
Adirampattinam,
Tanjore District.**

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus, directing



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the first respondent board to conclude the enquiry pending on it is file in RC No. 16567/12/B7/TNJ dated 24.02.2023 before finalizing the selection for the Board of Trustees pursuant to the order of the this Court in CRP.No. 964 of 2022 in a time bound manner.

For Petitioner : Mr.A.Mohamed Ismail
For Respondents : Mr.Haroon Rasheed
Standing Counsel

ORDER

The petitioner is a previous Secretary of Adirampatnam Madarasatul Salahifi/ the third respondent herein. He claims that some of the trustees have misappropriated the waqf funds and therefore, this petitioner has preferred a complaint to the first respondent Board through the Minister of Minority Welfare and the said complaint was taken on file by the Board for an enquiry and the enquiry was also conducted. However, the first respondent Waqf Board has not acted upon based on the enquiry and they have not taken any action against the concerned trustees, who have misappropriated the Waqf property. Therefore, the petitioner has filed this writ petition for a Mandamus, directing the first respondent Board to conclude the enquiry pending on its file in RC No.



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16567/12/B7/TNJ dated 24.02.2023 before finalizing the Board of Trustees.

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2.The learned counsel appearing for the Waqf Board submits that the selection of Board of trustees were set aside by the Principal Seat of this Court in CRP Nos.964, 1311 and 1333 of 2022, dated 25.01.2023. As against that order, SLP Nos.5161 to 5163 of 2023 were filed before the Honourable Supreme Court and the Honourable Supreme Court has passed an order of Status quo and therefore, they are not in a position to proceed further with the petitioner's representation.

3.This Court considered the rival submissions made.

4.The grievance of the petitioner is that when he was working as a Secretary of Waqf, he has noted down some misappropriation committed by the Board of Trustees and therefore, he lodged a complaint for taking necessary action as against the



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concerned trustees, who have indulged in misappropriation. This representation has also been forwarded to the Minister of Minority Welfare and accordingly it has been taken on file for an enquiry by the first respondent in RC No.16567/12/B7/TNJ dated 24.02.2023. In the event, if there is any misappropriation of the Waqf property, necessary action has to be taken by the respondent Waqf board in accordance with the Waqf Act.

5.In view of the above, this writ petition is disposed of with a direction to the first respondent to conclude the enquiry with regard to the misappropriation of the waqf properties and take action as against the concerned persons, who have misappropriated the waqf properties, as contemplated under Waqf Act within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

16.10.2023

NCC: Yes/No
Index: Yes/No
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To

- 1.The Chief Executive Officer,
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Chennai 01.

- 2.The Chairman,
Tamil Nadu Waqf Board,
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B.PUGALENDHI, J.

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W.P(MD)No.24404 of 2023 and
WMP(MD) No.20594 of 2023

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