



W.P.(MD).No.23714 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 29.09.2023

PRONOUNCED ON : 17.10.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

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and

W.M.P.(MD)No.19873 of 2023

A.Mohammed Masthan

... Petitioner

Vs.

1.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Sirang Street,
Vallal Seetha Khadi Nagar,
Chennai-600 001.

2.The Superintendent of Wakf,
Office of the Superintendent of
Wakf,
Eidha Mosque,
Railway Colony, Thanjavur.

... Respondents

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 impugned notice issued by the 2nd respondent in his proceedings vide Na Ka No. 380/Va.Ka/Thanjai/2023 dated 15.09.2023 and consequential proceedings



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issued by the 2d respondent in Na Ka No.380/Va.Ka/Thanjavur/2023
21.09.2023 and quash the same as illegal and unconstitutional and consequently
restore the administration of the pallivasal by adhoc committee.

For Petitioner : Mr.B.Jameelarasu

For Respondents : Mr.N.Mohideen Basha,
Standing Counsel

ORDER

This Writ Petition has been filed for Writ of Certiorarified Mandamus, to
quash the impugned order dated 15.09.2023 passed by the second respondent
and the consequential proceedings dated 21.09.2023 and consequently, restore
the administration of the pallivasal by adhoc committee.

2. Heard the learned Counsel appearing for the petitioner and the learned
Standing Counsel appearing for the respondents and perused the materials
available on record.

3. The brief facts as stated in the affidavit is that the petitioner and seven
others were appointed as executive members of Adhoc Committee for
administering Mohideen Andavar Pallivasal, Valuthoor, Thanjavur District vide
proceedings dated 03.05.2021 with effect from 17.02.2021 to 16.02.2022.



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Accordingly, the adhoc committee was administering without any adverse remarks. During their tenure, they have conducted various Muslim festivals like Kanduri and other festivals in a grand manner. The said adhoc committee was appointed since regular elections was not conducted due to certain difficulties in conducting elections. Moreover, there was difficulties in identifying the original voters. It is also pertinent to state that the earlier management had committed malpractices.

4. While that being so, a person namely S.T.K.Mustafa Kamal Basha who is no way connected with the affairs and administration of the said Pallivasal, made a false and frivolous allegation vide letter dated 22.03.2023 against the Secretary of the Adhoc Committee namely O.P.A.Basheer Ahmed. The allegation against the O.P.A.Baseer Ahmed is that he had illegally enriched himself by transferring the land belonging to the pallivasal. Based on such complaint, the said S.T.K.Mustafa Kamal Basha is demanding to remove the Secretary from the Adhoc Committee and had filed W.P.(MD)No.14225 of 2023 for Mandamus, directing the first respondent to consider and pass orders within a period of twelve weeks. The said Writ Petition was disposed of without impleading the said O.P.A.Basheer Ahmed as a party.



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5. Therefore, the Basheer Ahmed had filed a Writ Appeal challenging the validity of the said order. In such circumstances, the first respondent in a hurried manner had issued enquiry notice dated 11.08.2023 by referring to the order passed in the Writ Petition. In the said notice, only six persons name were mentioned. But no enquiry notice was served on the petitioner. But the enquiry was scheduled on 22.08.2023 and the petitioner states that the said Adhoc Committee Members attended the enquiry on 22.08.2023. After the enquiry the second respondent had issued a notice dated 15.09.2023 and informed the Adhoc Committee to handover the administration to the Wakf Board, since the said pallivasal was brought under their direct control. The respondents have not indicated any reason for bringing the pallivasal under direct management thereby ending the period of the adhoc committee. Since the same is violation of principles of natural justice, the petitioner is before this Court.

6. The learned Standing Counsel appearing for the respondents submitted that the adhoc committee period was from 2016 to 2021 and the period is already over and hence the adhoc committee was functioning without further extension. Since certain complaints were received the Wakf Board deemed fit to form some other committee for the administration of the wakf and to conduct the festival.



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7. The contention of the petitioner is that until 15.09.2023 the Adhoc Committee was managing the Wakf and had taken steps to conduct Kanduri festival in a grand manner, but in the meanwhile the respondents deliberately dissolved the committee and has brought under its control to conduct the festival. Hence, for conducting the festival alone, the petitioner has sought to retain the adhoc committee and allow them to celebrate the Kanduri festival. The respondents submitted that the same cannot be granted, since already a new committee was formed and the mandate of said committee is to conduct the Kanduri festival vide proceedings dated 29.09.2023. The said Kanduri Committee was formed and the members of the Committee are 1) Janaff.A.Ahamed Siddiq, 2) Janaff.M.Jaafar Saddiq, 3)Janaff.A.Sahif Hameed, 4) Janaff.N.Abdul Rawuff, 5) Janaff.G.S.Jaafar Ali, 6)Janaff.J.Fasheer Ahamed.

8. After considering the submissions of the rival claimants, this Court is of the considered opinion, the original adhoc committee period was from 17.02.2021 to 16.02.2022. Thereafter, the said adhoc committee period was not extended. Without extension, the adhoc committee was functioning until 15.09.2023 and on 15.09.2023 it was directed to hand over the charge to the Wakf Board. Moreover, the Wakf Board had formed new committee to conduct festival. When the Wakf Board has power to appoint adhoc committee, equally



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it has every power to dissolve the adhoc committee based on the circumstances of the case. In the present case, the respondents have granted opportunity to all the members of the adhoc committee except the petitioner before dissolving the Adhoc Committee. But the same cannot be a ground to interfere in the decision to dissolve the adhoc committee. Since the new committee was formed to conduct the Kanduri festival, the petitioner cannot seek extension of the adhoc committee. Hence, the petitioner has not raised any legally sustainable grounds.

9. For the reasons stated supra, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No

Index : Yes / No

Internet : Yes/ No

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S.SRIMATHY, J.

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