



W.P.(MD) No.9518 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.9518 of 2023

A.Kalilloor Rahman

.. Petitioner

Vs.

- 1.The Tamil Nadu Wakf Board,
Rep., by its Chairman,
Jafar Sirang Road,
Vallal Seethakathi Nagar,
Chennai.
- 2.Tamil Nadu Wakf Board,
Rep., by Chief Executive Officer,
No.1, Jaffar Syrang Street,
Vallal Seethakadhi Nagar,
Chennai-600 001.
- 3.The Superintendent of Wakfs,
Tamil Nadu Wakf Board,
Trichy,
Door No.12, Kiledhar Road, Trichy.
- 4.Hazarath Nabi Sallalhi Alehi Vatsalam Wakf,
Rep., by its Trustees,
Door No.7, Jalal Kudhiri Street,
Tiruchirappalli-620 008.



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5. Sheriff Ahamed,
Superintendent of Wakfs,
Tamil Nadu Wakf Board,
Trichy,
Door No.12, Kiledhar Road, Trichy.

6. Jainul Abdeen,
Inspector of Wakfs,
Tamil Nadu Wakf Board,
Trichy,
Door No.12, Kiledhar Road, Trichy

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing respondents 1 and 2 to consider and pass orders on the petitioner's representation dated 02.11.2022 and to conduct an enquiry on the malpractices committed by respondents 5 and 6 to take appropriate action against them more particularly within a time frame as may be stipulated by this Court.

For Petitioner	:	Mr.M.Karunanithi
For RR1 to 3	:	Mr.G.Chandrasekaran Standing Counsel
For R4	:	Mr.M.Mahaboob Athiff

ORDER

This writ petition is filed for the issue of a Writ of Mandamus, directing respondents 1 and 2 to consider and pass orders on the petitioner's representation dated 02.11.2022 and to conduct an enquiry on



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the malpractices committed by respondents 5 and 6 and to take appropriate action against them.

2. It is the case of the petitioner that the fourth respondent-Wakf was founded by one Syed Ibrahim Sahib and the Wakf is administered by the Scheme Decree dated 05.08.1964 passed by the Sub Judge, Trichy in O.S.No.44 of 1952, which has been modified by this Court in A.S.No. 666 of 1954, dated 25.10.1960. The Scheme Decree provides that one Trustee will be selected from amongst the legal heirs of the male heirs of the Wakfif and another Trustee would be selected from the female line of the Wakfif.

3. It is the further case of the petitioner that the first respondent had appointed one M.Syed Salavudeen as Trustee and he represents the male heirs. Sheik Maideen was appointed as Trustee representing the female line and Sha Mohamed Adhikullah was appointed as Managing Trustee representing the Hanafi Muslims residing in Trichy, vide his proceedings dated 01.08.2018. The period of the Trustees was from



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21.07.2018 to 20.07.2021. Thereafter, the tenure was extended up to 20.07.2022. Though the period has expired, they continued to manage the affairs of the Wakf. While so, one A.K.Kalibullah, suppressing the fact that he is a tenant under the fourth respondent, had accepted the Trusteeship colluding with respondents 5 and 6. He had also illegally constructed three buildings in the property, which was let out by the fourth respondent. The successor of A.K.Kalibullah let out the illegal construction to his wife Rameeza Beevi.

4. The petitioner would also state that these Trustees have also alienated properties of the Wakf and they have also misappropriated the funds of the Wakf. Therefore, he had sent a detailed representation on 02.11.2022 to respondents 1 to 3 to conduct an enquiry and take appropriate action against the fifth and sixth respondents. However, the authorities did not heed to the petitioner's representation. Therefore, left with no alternative, the petitioner is before this Court.

5. Heard the learned counsel appearing for the parties.



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6. Considering the limited prayer that has been sought for in this writ petition particularly taking into account the allegations of serious malpractices being adopted, this Writ Petition is disposed of directing the second respondent to conduct an enquiry on the basis of the representation made by the petitioner dated 02.11.2022 and pass orders, after hearing the parties within a period of six weeks from the date of receipt of a copy of this order. No costs.

25.04.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

1.The Chairman,
The Tamil Nadu Wakf Board,
Jaffar Sirang Road,
Vallal Seethakathi Nagar,
Chennai.

2.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakadhi Nagar,
Chennai-600 001.



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3.The Superintendent of Wakfs,
Tamil Nadu Wakf Board,
Trichy,
Door No.12, Kiledhar Road, Trichy.

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Dated: 25.04.2023