



W.P.(MD) No.29102 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.29102 of 2022

Haji M.Abdul Barook

.. Petitioner

Vs.

1.The Chief Executive Officer,
Tamilnadu Wakf Board,
Wakf House No.1,
Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.

2.The Wakf Superintendent,
Wakf Superintendent Office,
M.G.Complex,
Palakarai, Tennur, Trichy.

3.S.Thajudeen (Trustee)

4.J.Haneefa (Trustee)

5.K.Syed Ibrahim (Trustee)

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the first and second respondents herein to notify “Makka Masjid Pallivasal” and Madharsa



W.P.(MD) No.29102 of 2022

namely “A1 Hidayah Maktab” situated at Plot Nos.24 and 25, Dhanarathinam Nagar Extension, Mahalakshmi Nagar, Tanjore Road, Trichy as Wakf and consequently to frame the scheme for management and administration of the same as per the Wakf Act, 1995 (Amended Act 2013) by considering the petitioner's representation dated 29.07.2022 within the time period that may be specified by this Court.

For Petitioner	:	Ms.P.Yasmin Begum
For RR1 & 2	:	Mr.N.Mohideen Basha Standing Counsel
For R3	:	Mr.G.Prabhu Rajadurai for Mr.S.M.A.Jinnah

ORDER

Questioning the administration of Al Jamaathul Hidayah Charitable Trust, which administers the Makka Masjid Pallivasal and Madarasa viz., Al Hidayah Maktab, the petitioner is before this Court.

2. It is his case that although a Trust has been formed and 11 members have been placed as Trustees for administering the Trust, donations have come from the public and the residents in and around the said Trust. Although as per the bye-laws of the Trust, the Managing



W.P.(MD) No.29102 of 2022

Trustees and the Office Bearers were to hold office for three years, there appears to be no Board Meeting, proper maintenance of bank account, accounting of the money collected as subsidy, donations, contribution etc., by respondents 3 to 5. On verification, the petitioner has come to learn that the purpose and object of the Trust was to help poor children, provide financial assistances for education, marriage etc. He also has come to learn that respondents 3 to 5 have not only mismanaged the Pallivasal and the Madharsa but have also profited with the funds given by the members of the Jamadh. Therefore, the petitioner and other persons had sent a representation to respondents 1 and 2 on 29.07.2022 to take steps to notify the Makka Masjith as Waqf under the Waqf Act, 1995 and frame a scheme for its management and administration. The representation has been received by the second respondent on 25.08.2022 and the second respondent had called for an enquiry on 30.08.2022. The petitioner and other persons interested in the Jamadh had attended the enquiry and submitted written submissions. Thereafter, there has been no response from respondents 1 and 2 and to date, no orders have been passed framing a scheme. Therefore, the petitioner is before this Court.



W.P.(MD) No.29102 of 2022

WEB COPY

3. Heard the learned counsel appearing for the parties.

4. It is an admitted fact that the petitioner issued a representation to the first and second respondents on 29.07.2022 and an enquiry has been held in August, 2022. Despite this, to date no orders have been passed by the first respondent. Therefore, considering the limited relief sought for and taking into account the fact that the allegation of mismanagement and fraud have been alleged against the persons now in control, respondents 1 and 2 are directed to pass orders on the representation given by the petitioner within a period of one month from the date of receipt of a copy of this order. No costs.

19.04.2023

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

abr



WEB COPY



W.P.(MD) No.29102 of 2022

To

- 1.The Chief Executive Officer,
Tamilnadu Wakf Board,
Wakf House No.1,
Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.
- 2.The Wakf Superintendent,
Wakf Superintendent Office,
M.G.Complex,
Palakarai, Tennur, Trichy.



WEB COPY



W.P.(MD) No.29102 of 2022

P.T.ASHA, J.

abr

W.P.(MD) No.29102 of 2022

Dated: 19.04.2023