



WEB COPY



W.P. No. 4472 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 4472 of 2024

S. Fayas Ahamed

... Petitioner

-VS-

1. The Tamil Nadu Waqf Board,
Rep. by its Chairman,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.
2. The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.
3. The Superintendent,
Tamilnadu Waqf Board,
No.8, Bagadoor Shaw Mosque area
Arani Road
Vellore.
4. H.R. Tippu
The Mutawalli
Bazaar Masjid Aiile Sunnath Walajama at
No.40, Trunk Road,
Walajapet,
Ranipet 632 513.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent to



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dispose the complaint given by the Petitioner dated 15.09.2022 within the stipulated period of time.

For Petitioner : Mr. R.Sunilkumar

For Respondents : Mr. G.Mohamed Aseef (for R1 to R3)

ORDER

Heard Mr. R.Sunilkumar, Learned Counsel for the Petitioner, Mr. G.Mohamed Aseef, Learned Counsel appearing for the First to Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. Having regard to the nature of order proposed to be passed in the Writ Petition, which would not cause any prejudice to the Fourth Respondent, notice to him is dispensed with.

3. It is the case of the Petitioner that he had made a representation dated 15.09.2022 to the First Respondent complaining that the Fourth Respondent as Mutawalli of Bazaar Musjid Aiile Sunnath Walajama at Walajapet in Ranipet District (hereinafter referred to as 'the Waqf' for short) had committed acts of misappropriation of funds of that Waqf, and though the First Respondent had



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commenced enquiry through the Third Respondent, no final decision has been taken, which has necessitated the filing of this Writ Petition.

4. In response, it is informed by Learned Counsel appearing for the First to Third Respondents that the First Respondent would be conducting enquiry on 11.03.2024 in the matter.

5. Having regard to the aforesaid submissions made, this Court without expressing any view on the merits of the controversy involved, passes the following order:-

- (i) the First Respondent shall immediately examine the representation dated 15.09.2022 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner and the Fourth Respondent requiring the same to be furnished within a time frame of not less than 10 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to all persons concerned including the Petitioner and



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the Fourth Respondent to explain their position and there shall be atleast one effective hearing every month showing progress of the case; and

- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment.

In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

28.02.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 11.03.2024.

gsa

To

1. The Chairman
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.
2. The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.



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3. The Superintendent,
Tamilnadu Waqf Board,
No.8, Bagadoor Shaw Mosque area
Arani Road
Vellore.



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P.D. AUDIKESAVALU, J.

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