



WEB COPY



W.P.No.6842 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.12.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.6842 of 2023

B.M.Ameenulla

..... Petitioner

Vs.

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

2.Ayyoob

..... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to restore the wakf property comprised in S.No.825 measuring to an extent of 1.39 acres, situated at Hosur Village and Taluk, Krishnagir District as per the proceedings of the wakf board in R.C.No.18706/C9/82/Dpi, dated 16.06.1982.

For Petitioner : Mr.M.Mohamed Riyaz



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For Respondents :Mr.S.Haja Mohideen Gisthi
for R1

No appearance for R2

ORDER

The writ petition is filed seeking a direction to the first respondent to restore the wakf property comprised in S.No.825 measuring to an extent of 1.39 acres, situated at Hosur Village and Taluk, Krishnagiri District as per the proceedings of the wakf board dated 16.06.1982.

2. It is the case of the petitioner that the property comprised in S.No.825 measuring to an extent of 1.39 acres, situated at Hosur Village and Taluk, originally endowed in favour of Jamia Masjid, Hozur, by Nawab Thippu Sulthan, Mysore and the persons who was incharge of the Mosque, converted the wakf property as their personal property and created documents in contravention of the wakf property. The above said wakf is a notified wakf and hence the first respondent is the competent authority to recover the wakf properties which were alienated contrary to the provision of Wakf Act.

3. The petitioner is a person interested in the welfare of the



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wakf and he submitted a representation before various revenue authorities including the Principal Commissioner of Land Administration. However, no steps have been taken. In such circumstances, the petitioner has come before this Court.

4. According to the petitioner, the subject property belonging to wakf and the same has been transferred in violation of wakf Act. Therefore, the wakf board is the competent authority to go into the allegation of the petitioner. The petitioner has not submitted any representation before the competent authority, hence, this Court is not inclined to accept the prayer sought for by the petitioner. However, the petitioner is directed to submit a fresh representation to the wakf board within a period of two weeks. The first respondent shall place it before wakf board. The wakf board shall consider the same and pass final orders on its own merits within a period of eight weeks from the date of such representation after affording reasonable opportunity to the petitioner and the concerned wakf.

5. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.



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Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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To
The Chief Executive Officer,
Tamil Nadu Waqf Board,
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S.SOUNTHAR, J.

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