



W.P.No.9621 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.9621 of 2024

Mr.Mohammed Ismail

...Petitioner

Vs

1. The Chairman
Tamil Nadu Wakf Board
No.1, Jaffar Syrang Street,
Vallal Seethakatthi Nagar,
Chennai 600 001.

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

3. The Superintendent of Wakf
Thanjavur Zone,
No.27, Court Road, Diwan Nagar,
Thanjavur Taluk,
Thanjavur District – 613 001

4. The Wakf Inspector
No.27, Court Road, Diwan Nagar,
Thanjavur Taluk, Thanjavur District – 613 001



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5. The President
Thittacheri Muslim voor Uravin
Murali Wakf Nirvaga Sabai,
Thittacheri Town, Nagapattinam Taluk,
Nagapattinam District - 609 703

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to take action against the Thittacheri Muslim Voor Uravin Murai Wakf Nirvaga Sabai for misappropriation of the income of the above referred Wakf and the properties, misappropriation of funds collected from the various muslim people for constructing the marriage hall, non-payment of the Annual Contribution working out to a sum of Rs.12,82,827/- (Rupees Twelve Lakhs Eighty Two Thousand Eight Hundred and Twenty Seven) to the Tamil Nadu Wakf Board, Not accounting for the Hundial collection of the above referred Dargah, Presurrizing the Muslims of the Thitacheri to offer the prayer as per Tawhid Jamath method, compelling the Muslims of the Thitacheri to conduct the Nikkah (Marriage) and buying the mortal remains of Muslims as per Tawhid Jamath method and take over the direct management of the above



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referred Wakf and its properties by considering my representation dated 22.02.2022 within a period as stipulated by this Court and pass orders.

For Petitioner : Mr. L. Gavaskar

For Respondents 1 and 2 : Mr.C. Shankar
Standing Counsel

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to consider the petitioner's representation dated 22.02.2022 and pass orders.

2. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that he is the follower of the Sunnathual Jamath. The Jamath consists of 19 members and out of the 19 members, the president, Vice President, Secretary, Vice Secretary and Treasurer shall be selected for the Thittacheri Muslim Uoor Urasing Murai Wakf Nirvaga Sabai in the presence of the Tamil Nadi Wakf Board officials for managing the above referred Wakf and its properties. The Thittacheri Muslim Uoor Urasing Murai Wakf Nirvaga Sabai shall be



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selected by the Jamathar's of Thittacheri as per the custom and usage.

Five persons will be selected as treasurer to manage the above referred wakf for a period of two years. After expiry of two years period their tenure will be decided by the Wakf Board Officials. While so, the present persons who are acting as treasurers were continuing their tenure without the consent of the Wakf Board. When this being the case the said treasurers involved in the illegal act of misappropriation of funds such as Hundial collection of the above referred Dargah and involving in the hereditary prayer activities such as pressurizing the Muslims of the Thitacheri to offer the prayer as per Tawhid Jamath method and compelling the Muslims of the Thitacheri to conduct the Nikkah (Marriage). Therefore, the petitioner gave a representation to the respondents 1 to 4 on 22.02.2022, however, the same was not considered. Hence this petition.

4. The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the respondent to consider the petitioner's representation dated 22.02.2022 and pass orders.



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5. The learned standing counsel appearing for the respondents submitted that they will consider the case of the petitioner and take action in the manner known to law.

6. Considering the facts and circumstances of the case and the limited relief sought for by the petitioner, this Court, without going into the merits of the case, directs the respondents 1 to 4 to consider the petitioner's representation dated 22.02.2022 and pass orders on merits and in accordance with law after affording an opportunity of hearing to the petitioner as well as aggrieved parties, if any, within a period of four months from the date of receipt of a copy of this order.

7. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

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Index: Yes/No

Speaking order/Non-speaking order
smn



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V.BHAVANI SUBBAROYAN,J.

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