



WEB COPY



W.P.No.17904 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.17904 of 2020

Ameerjaan

.....Petitioner

Vs

1.The Chief Executive Officer,
Tamil Nadu Wakf Board, No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai-1.

2.The District Collector,
Office of the District Collector,
Cuddalore District

3.C.Asokan

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to take action under Sec.52 of the Wakf Act 1995 as required by the proceedings of the 1st respondent dated 23.7.2010 in Rc. No. 13163/ 97/ B5/ CUDD as sought vide petitioner's representation dated 12.12.2019.

For Petitioner : Mr.N.A.Nissar Ahmed

For Respondents : Mr.G.Mohamed Aseef for R1
Mr.V.Jeevagiridharan for R2
Additional Government Pleader
Mr.Govind Chandrasekhar for R3



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ORDER

The writ petition is filed seeking a direction to 2nd respondent to take action under Section 52 of Wakf Act, 1995 as required by the proceedings of the 1st respondent dated 23.07.2010 in Rc. No. 13163/ 97/ B5/ CUDD .

2.It is the case of the petitioner that properties of Samiyar Thaikkal @ Yerikarai Taikkal situated at Vadakailasam, Cuddalore Road, Panruti, Cuddalore District was transferred by the 3rd respondent to third parties without getting sanction from the Wakf Board. Therefore, the 1st respondent passed an order under Section 52(1) of Wakf Act and sent a communication to 2nd respondent on 23.07.2010 seeking action under Section 52(2) of the Wakf Act. Thereafter, the 2nd respondent has not taken any action in terms of Section 52(2) of Wakf Act. Therefore, the petitioner has come before this Court seeking necessary directions.

3. It is seen from the records that the matter was adjourned at the request of the learned counsel for the 1st respondent for filing counter. It is



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also seen from the records that on 06.11.2024, the learned counsel for the 1st respondent was directed to get instructions with regard to the enquiry conducted by the 1st respondent under Section 52(1) of the Wakf Act. When the matter came up for hearing on 03.12.2024, the learned counsel for the 1st respondent took time to file a detailed counter with regard to the nature of the enquiry conducted by the 1st respondent under Section 52(1) of the Wakf Act.

4. Today, when the matter is taken up for hearing, the learned counsel for the 1st respondent, on instructions, submits that the communication of the 1st respondent to 2nd respondent was dated 23.07.2010 and the records relating to enquiry by 1st respondent was not available in the office of the 1st respondent.

5. In view of the said statement made by the learned counsel for the 1st respondent, this Court is inclined to direct the 1st respondent to conduct fresh enquiry under Section 52(1) of the Wakf Act with regard to the alleged transfer of the wakf property and pass final orders on its' own merits within a period of twelve weeks from the date of receipt of copy of this



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order. In case, after conducting the enquiry under Section 52(1) of the Wakf Act, if any communication is sent to the 2nd respondent for taking action under Section 52(2) of the said Act, it is for the 2nd respondent to pass final orders in terms of Section 52(2) read with Rule 15 of Tamil Nadu Wakf Rules, 2020.

6. With the above directions, this writ petition stands disposed of. No costs.

17.12.2024

Index:Yes/No
Internet:Yes/No
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To

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2.The District Collector,
Office of the District Collector,
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S.SOUNTHAR, J.

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