



W.P.No.19516 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.19516 of 2024

Mr. Syed Salaudin

...Petitioner

Vs

1. The Chairman
Tamil Nadu Wakf Board,
No.1 Jaffer Sarang Street,
Vallal Seethakathi Nagar,
George Town, Chennai
Tamil Nadu - 600 001.

2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1 Jaffer Syrang Street,
Vallal Seethakathi Nagar,
George Town, Chennai
Tamil Nadu - 600 001.

3. The Superintendent,
Tamil Nadu Wakf Board,
No.8/124, 2nd Floor,
Palakarai, Tiruchirappalli,
Tamil Nadu 620 008.

...Respondents



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PRAYER: This Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to consider petitioner's representation dated 28.05.2024 and conduct enquiry and take action under the waqf Act within the time frame fixed by this Court and pass orders.

For Petitioner : Mr. L. Abdul Basith

For Respondents : Mr.M.Fakir Mohideen
Standing Counsel

ORDER

The petitioner has filed this writ petition seeking a direction to the first and second respondents to consider the representation of the petitioner dated 28.05.2024 and pass orders.

2. Mr.L. Abdul Basith, Standing Counsel takes notice for the Respondents. 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 the petitioner is the male line descendant and the Muthavalli of Hazrath Nabi Sallallahu Alaihi Vasallam Fatiha Waqf, Tricity which is under the supervision of the Tamil Nadu



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Waqf Board. It is stated that Mr.S.Mohideen and B. Abdul Khader are the trustees of the said Waqf, had committed default in paying taxes to the Trichy Corporation and they also misappropriated the funds of the wakf and they have not submitted any financial statements or conducted audit for more than 2 years. Due to the said illegal act of the said trustees the petitioner is unable to file the audit report of the waqf for the period 2012 to 2020, inspite of the repeated request made by the second respondent. Hence, the petitioner has given a representation on 28.05.2024 to the first and second respondents and the same was not considered. Hence the petitioner has come forward with this petition.

4. The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the first and second respondents to consider the petitioner's representation dated 28.05.2024 and pass orders.

5. The learned Standing Counsel appearing for the respondents submits that the representation of the petitioner will be considered on merits and in accordance with law.



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6. I have given anxious consideration to either side submissions and perused the materials available on records.

7. Considering the facts of the case, this Court without expressing any opinion on the merits of the case directs the first and second respondents to consider the representation of the petitioner dated 28.05.2024 by providing an opportunity of personal hearing to the petitioner and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this Order.

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

19.07.2024

Index: Yes/No
Speaking order/Non-speaking order
smn



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V.BHAVANI SUBBAROYAN,J.



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