



WEB COPY



W.P.No.26625 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26625 of 2024

And

W.M.P.No.29147 of 2024

Mohammed Buniyameen

... Petitioner

Vs.

1.The Tamil Nadu Wakf Board

Rep. by its Chief Executive Officer

No.1, Jaffar Syrang Street,

Vallal Seethakathi Nagar

Chennai – 1.

2.Hazarat Noor Mohammed Shah Auliya Dargah

Rep. by its Muthawalli

Panrutti

Cuddalore District.

3.The Commissioner

Panrutti Municipality

Panrutti

Cuddalore District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the first respondent ending with resolution dated 22.08.2023 in RC No.16379/B10/92/ Cuddalore and quash the same.



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For Petitioner : Mr.N.A.Nassir Hussain
For Respondents : Mr.Abdul Mubeen for R1

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records of the first respondent ending with resolution dated 22.08.2023 in RC No.16379/B10/92/ Cuddalore and quash the same.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the person interested in the Wakf as defined under Section 3(k) of the Wakf Act, 1995. Hazarat Noor Mohammed Shah Auliya Dargah is a registered Wakf under the supervisory control of the first respondent and it has vast properties in the heart of Panrutti Taluk including the property in T.S.No.65/1, 2, 3 in Ward A, Block 16, Panrutti Taluk, Cuddalore District measuring an extent of 3.25 acres.

3.The learned counsel appearing for the petitioner further submitted that the second respondent approached the first respondent to form a layout comprising 101 plots each measuring 1000 sq.ft. in



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the subject property and to grant lease and thereafter, the Wakf Board vide resolution dated 22.08.2023 resolved that the subject property could be plotted out of 1000 sq.ft each and lease could be granted and based on the said resolution, the second respondent is granting lease for a period of 11 months on receiving a donation of Rs.5 Lakhs and on a monthly rent of Rs.500/-.

4.The learned counsel appearing for the petitioner further submitted that as per the Wakf Properties Lease Rules, 2014, the Wakf property can be leased out only by inviting bids and granting lease to the highest bidder and the concept of donation of Rs.5 Lakhs is contrary to the said Rules. Hence, the resolution is untenable and unsustainable in law. In this regard, the petitioner made representation to the respondents, however, there is no response.

5.The learned counsel appearing for the first respondent submitted that after consulting with the second respondent only the impugned resolution was passed by the first respondent and hence it needs no interference.



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6. Heard the arguments advanced on either side and perused the materials available on record.

7. The facts of the case is not in dispute. Admittedly, the petitioner is the person interested in the Wakf as defined under Section 3(k) of the Wakf Act, 1995. Hazarat Noor Mohammed Shah Auliya Dargah is a registered Wakf under the supervisory control of the first respondent and it has vast properties in the heart of Panrutti Taluk including the property in T.S.No.65/1, 2, 3 in Ward A, Block 16, Panrutti Taluk, Cuddalore District measuring an extent of 3.25 acres. The second respondent approached the first respondent to form a layout comprising 101 plots each measuring 1000 sq.ft. in the subject property and to grant lease and thereafter, the Wakf Board vide resolution dated 22.08.2023 resolved that the subject property could be plotted out of 1000 sq.ft each and lease could be granted and based on the said resolution, the second respondent is granting lease for a period of 11 months on receiving a donation of Rs.5 Lakhs and on a monthly rent of Rs.500/-, which is contrary to the Wakf Properties Lease Rules, 2014 and which cannot be allowed to continue. On the face of it, it is illegal and is liable to be set aside.



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8. Accordingly, the resolution dated 22.08.2023 passed by the first respondent in RC No.16379/B10/92/ Cuddalore, is hereby set aside. Respondents are directed to follow the procedure contemplated under The Wakf Properties Lease Rules, 2014.

9. The writ petition is accordingly allowed with above terms. No costs. Consequently, the connected miscellaneous petition is closed.

26.09.2024

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

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