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W.P.No.24800 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM :  
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**Writ Petition No.24800 of 2024**  
**and W.M.P.Nos.27147 & 27148 of 2024**

SAK Ibrahim

... Petitioner

Vs.

1.The Tamil Nadu Wakf Board,  
Rep. by its Chief Executive Officer,  
No.1, Jaffer Syrang Street,  
Vallal Seethakathi Nagar,  
Chennai – 1.

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

3.The Wakf Superintendent, Chennai,  
No.139, Dr.Besant Road, Triplicane,  
Chennai – 5.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorari calling for the records of the third respondent ending with notice dated 21.06.2024 and quash the same.

For Petitioner : Mr.N.A.Nissar Ahmed,



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Senior Counsel  
for Mr.I.Kowser Nissar

For Respondents 1 to 3 : Mr.V.Raghavachari,  
Senior Counsel  
for M/s.V.Srimathi

### **ORDER**

This writ petition has been filed by the petitioner to call for the records of the third respondent ending with notice dated 21.06.2024 and quash the same.

2. The case of the petitioner is that the Royapuram Jamia Masjid Wakf was established by the Royapuram Muslim Welfare Association formed in the year 1985. The said Masjid was administered by a Managing Committee, consisting of 15 permanent members, who are Executive Committee members of the Royapuram Muslim Welfare Association. This being the case, six vacancies to the office of members in 2018 were filled up in accordance with the rule of succession by co-option which was communicated to the first respondent. However, the first respondent ordered the Wakf Inspector to select the administrative committee on 17.09.2020.



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2.1. Challenging the aforesaid order dated 17.09.2020, the petitioner has filed a writ petition before this Court in W.P.No.16712 of 2020 and the same was quashed by this Court on 15.11.2023. Such being the position, without any enquiry and hearing the managing committee, the third respondent has affixed a notice on 21.06.2024 that the Wakf Board had passed a resolution dated 23.01.2024 and the Chief Executive Officer had passed a consequential order on 06.06.2024 for framing of a scheme to the above Wakf, inviting objections on or before 01.07.2024. Aggrieved over the said notice dated 21.06.2024, the petitioner has come forward with the present writ petition.

3. Learned senior counsel for the petitioner would submit that as per Section 69 of the Wakf Act, 1995, the Wakf Board is entitled to frame the scheme, provided the Board is satisfied after the enquiry, whether on its own motion or on application of not less than 5 persons interested in any of the Wakf, to frame a scheme for administration of the Wakf, it may, by an order, frame such scheme for the administration of said Wakf, after giving



reasonable opportunities to the existing Mutawallis. However, the procedure contemplated in Section 69 is not followed in the present case and solely on that ground, the present writ petition has been filed by the petitioner.

4. Per contra, learned senior counsel appearing for the respondents submitted that already a resolution was passed by the Wakf Board for framing the scheme, in which the petitioner already participated and made his objection. If at all the petitioner wants, let him participate in the enquiry conducted by the first respondent, after giving due opportunity to decide whether framing of the scheme is necessary. If it is satisfied, the scheme will be framed as per Section 69 of the Wakf Act, 1995.

5. Heard the learned counsel on either side and perused the materials available on record.

6. In view of the fair submission made by the learned senior counsel appearing for the petitioner, though the petitioner made objection pursuant to



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the letter given by the third respondent, however, there was no effective participation before the first respondent for framing the scheme.

7. In view of the above, the first respondent is directed to follow the procedure contemplated in Section 69 of the Wakf Act, 1995, by providing opportunity to the petitioner or aggrieved persons if any for framing the scheme and conclude the proceeding within a period of six months from the date of receipt of a copy of this order.

8. In the result, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

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**M.DHANDAPANI,J.**

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