



W.P.No.17113 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03. 09.2024

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C O R A M

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

Writ Petition No.17113 of 2017
and WMP.No.18586 & 18587 of 2017

S.Mohammed Jaffer Khan Pani

... Petitioner

Versus

1. The Tamil Nadu Wakf Board,
rep., by the 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

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari to call for the records of the 1st respondents ending with 5. Item No.144/15 (WEA.6/14/E5/TNV) and the proceedings of the 2nd respondent dated 14.06.2017 in WEA.No.6/14/E%/TNV and quash the same.



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For petitioner ... Mr.Nassir Hussain
For Respondents ... Mr.Mohad Fayaz Ali

ORDER

This Writ Petition is filed seeking quashment of the records of the 1st respondents ending with 5. Item No.144/15 (WEA.6/14/E5/TNV) and the proceedings of the 2nd respondent dated 14.06.2017 in WEA.No.6/14/E%/TNV.

2. The brief facts of the case are that petitioner, S.Mohammed Jaffer Khan Pani, is the Mutawalli of Khan Miyan Pallivasal, a registered Wakf in Tirunelveli, Tamil Nadu. While that being so, one Mr.S.Abubacker filed a Writ Petition before this Court with a prayer to dispose of Application No.6 of 2014 seeking formulation of a scheme for administration of Wakf and this Court vide order dated 08.06.2015 directed to respondent to consider the Application No.6 of 2014 dated 04.06.2014 filed by the petitioner therein and pass orders within a period of eight weeks. Pursuant to which, the Tamil Nadu Wakf Board, initiated proceedings to frame a scheme for the administration of the Wakf under Section 69 of the Wakf Act, 1995. According to the petitioner, the Board without following the due procedure stipulated under Section 69 of the



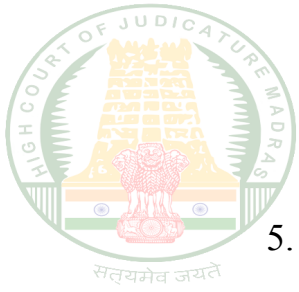
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Wakf Act, has initiated the impugned proceedings which is unlawful, arbitrary and violated the principles of natural justice. Therefore, the petitioner has filed this Writ Petition with the above said prayer.

3. The learned counsel for the petitioner submits that the Board failed to follow the mandatory procedure outlined in Section 69 of the Wakf Act, which requires the Board to conduct an inquiry and to establish the need for framing a scheme before passing any orders. However, without adhering to the said procedure, the Board initiated the proceedings, which is unsustainable in law and that there is also no justification for the Board's intervention. Therefore, the learned counsel for the petitioner seeks intervention of this Court to quash the Board's decision and restrain them from interfering with the administration of the Wakf.

4. The learned counsel for the respondent would submit that the petitioner still has the remedy of filing an objection before the first respondent and if such an objection is filed, the respondent will consider it and pass an appropriate order strictly in accordance with the provisions of Section 69 of the Wakf Act within a stipulated time.



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5. Heard both sides and perused the records.

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6. Considering the fair submissions made by the learned counsel for the respondents, this Court is inclined to issue direction to the petitioner to appear before the first respondent and file an appropriate objection. Upon receipt of the objection, the first respondent shall consider the same and pass orders on merits and in accordance with law, strictly adhering the provisions of Section 69 of Wakf Act, within a period of eight weeks from the date of receipt of objection.

7. With the above directions, this Writ Petition stands 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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