



W.P(MD)No.7763 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.7763 of 2024

M/s.Jumma Periya Pallivasal Waqf,
Rep by its President,
Dr.G.Asanulla,
Battlagundu Main Road,
Battlagundu,
Nilakottai Taluk,
Dindigul – 624 202.

... Petitioner

Vs

1.The Chief Executive Officer,
Tamilnadu Waqf Board,
Waqf House No.1,
Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

2.The Waqf Superintendent,
Waqf Superintendent Office,
No.1, Town Hall Road,
Masq Building,
2nd Floor,
Madurai - 625 001.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Mandamus, directing the 2nd respondent herein to hand over the keys of the five shop premises belongs to Jumma Periya Pallivasal Waqf situated at Batlagundu Main Road, Batlagundu, Nilakottai Taluk, Dindigul to the petitioner waqf by considering the petitioner's representation dated 05.03.2024 within the time period that may be specified by this Court.

For Petitioner : Ms.Yasmin Begum
For Respondents : Mr.Kishore Ram for
M/s. R.B.Law Associates

ORDER

The case of the petitioner is that the petitioner is the President of Jumma Periya Pallivasal Waqf, Nilakottai Taluk, Dindigul and it is registered under the Tamil Nadu Waqf Board. The Jamath is owning a commercial complex, which is situated near the Jamath and shops were let out to various persons. Due to maladministration of the Jamath, the respondents have taken the direct management of the Jamath. As per the proceedings of the first respondent Waqf Board, in Na.Ka.No.616/16/AA8/Dindigul, dated



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03.02.2023, an election was conducted in the Jamath on 25.02.2023 and new office bearers have been selected for the Jamath for a period of three years and the new office bearers are functioning with effect from 28.02.2023 and this Committee will administer the Jamath till 27.02.2026. The grievance of the petitioner/the President of the Jamath is that the second respondent/the Superintendent who has collected the keys of the shops belong to the Jamath when this Jamath was under the direct management of Waqf Board has not returned the keys even after the election was conducted in the month of February 2023. Therefore, the petitioner is before this Court.

2.The learned counsel appearing for the petitioner has relied on the proceedings of the Waqf Board/the first respondent in Na.Ka.No.616/16/AA8/Dindigul, dated 07.03.2023 and submits that already the direct management has been withdrawn with effect from 28.02.2023. Even thereafter, the Superintendent is still holding the keys and to prevent the new administrators to proceed further.



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3.A representation has been made on behalf of the respondents that a decision would be taken only after code of conduct. This representation has been made by the learned counsel appearing for the Waqf board on the instructions, which has been provided to him by one M.Amar, Legal Support Officer, Tamil Nadu Waqf Board.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.The Jamath was under the direct management from the year 2021. At that relevant point of time, the keys of the shops belong to the Waqf were handed over to the Superintendent of the Waqf Board, who was administering the Waqf properties. With the permission of the first respondent/ Waqf Board, election was conducted on 25.02.2023 and new office bearers have been elected. The direct management was also withdrawn by the first respondent



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by his proceedings dated 07.03.2023. Even thereafter, the properties are under the administration of the Superintendent without any regard to the orders passed by the first respondent. A misleading statement has been made before this Court on behalf of the Waqf Board as if decision would be taken by the Waqf board after code of conduct. Since the first respondent has already withdrawn the direct management by recognizing the election which was conducted in the Jamath on 25.02.2023 and in view of the subsequent proceedings of the first respondent dated 07.03.2023, this Court is of the view that this statement has been made by the respondents only to mislead this Court. The Superintendent of the Waqf Board has no business to retain the keys of the shops belong to the Jamath furthermore.

6. In view of the above, this writ petition is allowed with a direction to the Superintendent of the Waqf Board to return the keys to the newly elected office bearers forthwith. If it is found that the Superintendent has illegally holding the properties of the Jamath by violating the proceedings of the first respondent, dated



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07.03.2023, the first respondent shall take appropriate action as against the Superintendent of Waqf in accordance with law. No costs.

27.03.2024

NCC: Yes/No
Index: Yes
Internet: Yes
vrn

Note: Issue order copy on **01.04.2024.**

To

1. The Chief Executive Officer,
Tamilnadu Waqf Board,
Waqf House No.1,
Jaffar Syrang Street,
Vallal Seethakathi Nagar,
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2. The Waqf Superintendent,
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B.PUGALENDHI, J.

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