



W.P.(MD) No.11089 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No.11089 of 2024
and
W.M.P.(MD) No.9883 of 2024**

M.Abdul Nazeer

Vs.

... Petitioner

1.The Tamil Nadu Waqf Board
Represented by its Chairman,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

2.The Chief Executive Officer,
The Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

3.Superintendent of Waqf,
Tamil Nadu Waqf Board,
Madurai.

4.Kamardeen
5.A.Ali Akbar

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 to order the 4th and 5th respondent to implement all the financial transactions of the Mohaideen Andavar Dargah & Pallivasal Waqf in Banking mode of operation which should be under the Regular Supervision of the 1 to 3 respondents.

For petitioner : Mr.A.Rajamohamed
For respondents 1 to 3 : Mr.D.S.Haroon Rasheed
Standing Counsel.

ORDER

The petitioner is before this Court for the second time for the relief of directing the respondents 1 to 3 to order the 4th and 5th respondent to implement all the financial transactions of the Mohaideen Andavar Dargah & Pallivasal Waqf in Banking mode of operation which should be under the Regular Supervision of the 1 to 3 respondents.

2. Earlier, the petitioner has approached the Principle Bench of this Court in W.P.No.11339 of 2023 against the first and second respondents herein for the following relief:



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“directing the respondents to consider the representation dated 07.03.2023, within a period of stipulated time and thereby conduct enquiry under Section 70 and 71 of the Waqf Act, 1995.”

3. By order dated 13.04.2023, this Court has passed the following order:

“This writ petition has been filed by one of the Member selected from the Melatheru Poorviga Jamath seeking for the issue of writ of mandamus directing the respondents to consider the representation dated 07.03.2023 and to take a decision within the time frame fixed by this Court.

2.Heard Mr.M.M.I.Khaleel, learned counsel appearing on behalf of the petitioner and Mr.G.Mohammed Aseef, learned Standing Counsel appearing on behalf of the respondents.

3.The case of the petitioner is that Mohaideen Andavar Dargah & Pallivasal and Mina Noordeen Dargah & Pallivasal Waqfs are public property. The Committee which is administering the Waqf is governed by a scheme framed under Section 32 of the Waqf Act, 1995 (hereinafter referred to as “the Act”). The grievance of the petitioner is that the Waqf is not being maintained properly and various irregularities have been committed by some of the members. In view of the same, a representation was made to respondents to conduct an enquiry under Section 70 and 71 of the Act. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

4.In the considered view of this Court, if the petitioner is seeking for conducting an enquiry under Section 70 and 71 of the Act, the petitioner has to make a formal application in the prescribed format before the Waqf Board. The petitioner has only sent a representation to the Waqf Board. In view of the same, it is



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left open to the petitioner to file a proper petition before the Waqf Board in the prescribed format. On receipt of the same, the respondents shall conduct an enquiry on being satisfied with the irregularities pointed out by the petitioner after affording opportunity to all the parties concerned and take action, strictly in accordance with law. The respondents shall complete the enquiry and take appropriate action after the petition is filed by the petitioner, as expeditiously as possible.

5.This writ petition is disposed of in the above terms. No Costs”

4. The Inspector of the Waqf had given report dated 14.08.2023 and thereafter, based on the report of the Inspector, the CEO formed a Special Committee to ascertain the irregularities and decision was taken to issue show cause notice. Pursuant to the report of the CEO dated 27.10.2023, the Board has also passed a resolution on 27.11.2023, wherein, the recommendation of the CEO for taking direct management of Waqf is under consideration.

5. The learned counsel for the petitioner would submit that the Waqf has several properties, which are valued for more than Rs.3,000 crores and as on date, transactions are not in through banking channel and thus, there is a large scale of irregularities.



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6. On the other hand, the learned Standing Counsel for the first respondent/The Tamil Nadu Waqf Board would submit that the resolution has been passed on 27.11.2023 for direct management of the Waqf in view of the report of the Inspector and the report of the CEO mentioned above and that due intervening of election process, it could not be taken for further consideration. The learned Standing Counsel would further submit that the issue will be resolved in two months as the reports of the Inspector and CEO have pointed several financial irregularities and therefore, no orders be passed at this stage.

7. Having considered the learned counsel for the petitioner and the Standing Counsel for the respondents 1 to 3 and considered the resolution of the Board dated 27.11.2023, recording the report of the Inspector dated 14.08.2023 and the report of the CEO dated 27.10.2023, in proceedings no.195 of 2023, this Court is inclined to dispose of the Writ Petition at the time of admission by directing the respondents 1 to 3 to act on the petitioner's representation dated 22.04.2024 as expeditiously as possible, preferably within a period of 30 days from today, so that the financial transactions are streamlined irrespective of the fact that the Waqf is brought under the direct control of the first respondent or



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not.

8. This Writ Petition is disposed of, with above directions. No costs.

Consequently, connected miscellaneous petition is closed.

Index : Yes / No

Internet : Yes / No

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