



W.P.(MD)No.20528 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2024

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.20528 of 2024

Mahamoodul Hasan

... Petitioner

Vs.

1.The Tamil Nadu Waqf Board,
Represented by its Chief Executive Officer,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 01.

2.The Settlement Tahsildar No.II,
O/o.The Settlement Officer SE/Minor Inams,
Tanjore Division,
Tanjore.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to conclude the enquiry and pass final orders in respect of the enquiry under Section 40 of the Waqf Act, 1995 corresponding to File No.218/23 dated 20.09.2023 (Na.Ka.No. 057/23/A10/KD) qua the petitioner's land within the time that may be stipulated by this Court.



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For Petitioner : Mr.M.Mahaboob Athiff
For R-1 : Mr.G.Chandra Sekar
For R-2 : Mr.J.K.Jayaselan
Government Advocate

ORDER

This Writ Petition is filed praying for a Mandamus, directing the first respondent to conclude the enquiry and pass final orders in respect of the enquiry under Section 40 of the Waqf Act, 1995 corresponding to File No. 218/23 dated 20.09.2023 (Na.Ka.No.057/23/A10/KD) qua the petitioner's land.

2. It is submitted by the learned counsel for the petitioner that the petitioner was serving as a town Kazi. The subject property was given as a personal Inam to the petitioner, in recognition of the scholarship of the grantee in Islamic theology and his service as Kazi. While so, the first respondent Board had without issuance of any notice to the petitioner, enlisted the subject property as a Waqf, the petitioner was unaware of such notification. In this regard, the petitioner submitted a representation seeking to conduct enquiry as to the nature of the subject property and to grant NOC qua the property in the event of concluding the property to not be a Waqf. On receipt of the



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representation, the issue was referred to a sub committee of the first respondent Board vide its special resolution No.031/22 dated 29.09.2022 and in pursuance thereof, notice was issued to the petitioner, the waqf officials and the revenue authorities.

3. It is further submitted by the learned counsel for the petitioner that a report was submitted to the respondent Board, opining that the subject property does not fall within the legal ambit of a waqf. Pursuant to the said report, the respondent Board has issued a notice on 20.09.2023, calling upon the petitioner to appear for an enquiry. On 26.09.2023, the respondent Board had conducted a detailed enquiry. However, no orders have been passed on the enquiry till date. Under such circumstances, the petitioner preferred a representation dated 19.06.2024 before the first respondent seeking to pass final orders to release the subject property from the list of waqfs. Since no action was taken by the respondent Board, the present petition is filed.

4. It is submitted by the learned counsel for the respondents that the representation of the petitioner would be considered and orders would be passed by the first respondent in accordance with law. The same is accepted to by the learned counsel for the petitioner.



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5. In view of the same and taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 19.06.2024, on its own merits and pass appropriate orders in accordance with law, after affording reasonable opportunity of hearing to the petitioner, within a period of three months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any views with regard to the merits of the representation and it is open to the concerned respondent to consider the representation on its own merits and in accordance with law.

6. With the above direction, the Writ Petition stands disposed of. No costs.

29.08.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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To:

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MOHAMMED SHAFFIQ, J.

Nsr

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