



Writ Petition No.17482 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.17482 of 2023

S.Syed Naseer
S/o.Syed Sahib

...Petitioner

Vs

The Tamil Nadu Waqf Board,
represented by its
Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai - 1.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to conduct enquiry regarding the administration of the Sayeedani Bi Dargha situated at S.No.167/2, Dindivanam Road, Vandavasi Town, Thiruvannamalai District and to take appropriate action and bring the Waqf under the direct Management of the Waqf Board as sought vide representation dated 27.02.2023.

For Petitioner : Mr.N.A.Nassir Hussain

For Respondent : Mr.Mohammed Fayaz Ali
Standing Counsel



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ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the respondent to conduct an inquiry regarding the administration of Sayeedani Bi Dargha situated at Thiruvannamalai District and to bring the Waqf under the direct management of the Waqf Board by acting upon the representation made by the petitioner on 27.02.2023.

2. Heard Mr.N.A.Nassir Hussain, learned counsel for petitioner and Mr.Mohammed Fayaz Ali, learned Standing Counsel appearing for respondent.

3. The petitioner, who claims to be a worshiper and Jamathar has made a representation to the Waqf Board to the effect that private persons have completely taken over the administration of the Waqf and there is mismanagement of the Waqf and the funds of the Waqf has also not been properly accounted. Hence, the petitioner has requested the Waqf Board to initiate proper action and to take over the management of the Waqf. Since the same was not acted upon, the present writ petition has been filed before this Court.



4. Learned Standing Counsel appearing on behalf of the respondent

Waqf Board submitted that where a proforma is created by the Survey Commissioner of Waqf and the same is notified, automatically the Waqf comes within the control of the Waqf Board. In the present case, it is seen that in the judgment passed in S.A.No.962 of 2015 during January'2023, it reads as if the plaintiff has submitted a proforma to the Waqf Board and based on the same, the Waqf has to be registered. Learned Standing Counsel contended that the same does not really clarify as to whether it is a Waqf, which has already been notified after a proforma was created by the Survey Commissioner or a Waqf, which is yet to be registered by submission of an application by the Muthawalli. In any case, learned Standing Counsel submitted that the Waqf Board will get a sworn affidavit from the petitioner with regard to the alleged mismanagement and misappropriation of the Waqf and an inquiry will be held in the manner as mandated u/s.71 of the Waqf Act, 1995 [for brevity 'the Act'] and the Board will proceed further in accordance with law.

5. In the light of the submissions made by learned Standing Counsel appearing on behalf of the respondent Waqf Board, this Writ Petition is



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N.ANAND VENKATESH, J

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disposed of with a direction to the Waqf Board to receive a sworn affidavit from the petitioner and proceed further with the inquiry in the manner contemplated u/s.71 of the Act. The inquiry shall be completed as expeditiously as possible and a decision shall be taken not later than three (3) months from the date of receipt of a copy of this order.

This writ petition is disposed of in the above terms. No costs.

13.06.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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To
The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai - 1.

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