



RIGHT TO INFORMATION ACT-2005

TAMILNADU INFORMATION COMMISSION

No.2, Thiyagaraya Road, Teynampet,
Chennai 600 018. Tel: 24357580

Date of Enquiry : 10.11.2020

PRESENT:

Thiru S.T.TAMILKUMAR, B.A.,B.L.,
STATE INFORMATION COMMISSIONER.

Case No. CP308/F/2019

Thiru Y. Akbar Ahmed

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PETITIONER

/Vs/

..

PUBLIC AUTHORITY

The Public Information Officer
O/o. The Tamilnadu Wakf Board,
No.1 Jaffar Syrang Street,
Seethakathi Nagar,
Chennai – 600 001.

ORDER

Due to Covid-19 lockdown imposed by the Government of Tamil Nadu this Commission due to the constraint of conducting the enquiry in person, conducts the enquiry through telephone and online. Hence this case was taken in to enquiry on 10.11.2020 through telephone. During the enquiry the petitioner Thiru Y. Akbar Ahmed, and The Public Information Officer, O/o. The Tamilnadu Wakf Board, No.1 Jaffar Syrang Street, Seethakathi Nagar, Chennai was present for the enquiry.

2. A perusal of the petition dated 20.10.2019 filed under section 6(1) of the R.T.I. Act, 2005 reveals that the petitioner has sought the following information:

- i. The Chief Executive Officer of the Tamil Nadu Wakf Board from 2012 to till date, allowing the functioning of Jumma Masjid Committee in G.S.No.186, Even after the said Jumma Masjid Committee clearly / Prima-Facie acting in contravention to section 56 and 64 of the Waqf Act 1995, and when the aforesaid Jumma Masjid Committee unlawfully claiming and sub-leased the property at Door No.3/98, Survey No.1791, Measuring 6752 sq.ft of land and building at St.Patrich Church Road, St.Thomas Mount, Chennai-16 for a period of 16 years and more and received One Crore Rupees in a fraudulent way from the 3rd parties and without obtaining the previous sanction of the Tamilnadu Waqf

Board as defined under Section 56(2) of the Waqf Act 1995, the said Jumma Masjid Committee Members including President, Secretary and Treasurer entered and signed in the lease deed dated 12th April, 2012 at Chennai with the 3rd parties?

- ii. The Chief Executive Officer of the Tamil Nadu Waqf Board in the interest of Waqf Administration, from 2012 to till date, Not taken/taking any action against the President, Secretary and Treasurer of the aforesaid Jumma Masjid Committee for being Prima Facie Guilty of Committing offence as defined under section 64(1)(g)(h)(i)(j)(k) of the Waqf Act, 1955?
- iii. Whether The Chief Executive Officer of the Tamil Nadu Waqf Board from 2012 to till date, advised/ suggested / directed and permitted the aforesaid Jumma Masjid Committee President (Mr.Shabuddin), Secretary (Mr. Hasan Ambalam), and Treasurer (Mr Jawahar Ali).
 - To use the words in the lease deed entered on 12th April 2012 as, The Jumma Masjid Committee is the Absolute Owners of the vacant land at Door No.3/98, Survey No.1791, Measuring 6752 sq.ft of land and building at St.Patrich Church Road, St.Thomas Mount, Chennai-16?
 - To enter in the lease deed in 12th April, 2012 and to receive One Crore Rupees from the 3rd parties, in respect of the property at Door No.3/98, Survey No.1791, Measuring 6752 sq.ft of land and building at St.Patrich Church Road, St.Thomas Mount, Chennai-16?
 - To fix a Monthly rent of Rs.1,00,000/- (Rupees one lakh only), in respect of the property at Door No.3/98, Survey No.1791, Measuring 6752 sq.ft of land and building at St.Patrich Church Road, St.Thomas Mount, Chennai-16?
 - To deduct a sum of Rs.50,000/- from the Monthly rent of Rs.1,00,000/- (Rupees one lakh only), in respect of the property at Door No.3/98, Survey No.1791, Measuring 6752 sq.ft of land and building at St.Patrich Church Road, St.Thomas Mount, Chennai-16?
 - To resolve disputes arising in breach of the conditions stated in the Lease Deed Entered on 12th April, 2012 under the Indian Arbitration and Conciliation Act, 1996?
- iv. Whether The Chief Executive Officer of the Tamil Nadu Waqf Board from 2012 to till date, advised/ suggested / directed and permitted the aforesaid Jumma Masjid Committee President (Mr.Shabuddin), Secretary (Mr. Hasan Ambalam), and Treasurer (Mr Jawahar Ali) to put /mention 35 conditions in sections/paragraphs in the lease deed entered on 12th April, 2012?
- v. The time limit required by the Chief Executive Officer of the Tamilnadu Waqf Board for taking action and passing orders against the aforesaid Jumma Masjid Committee President (Mr.Shabuddin), Secretary (Mr. Hasan Ambalam), and

Treasurer (Mr Jawahar Ali) and others, pending in RC No.6078/17/B4/KPM, on the file of the Chief Executive Officer of the Tamil Nadu Waqf Board?

3. The Public Information Officer has not provided any reply to the petitioner and hence the petitioner has preferred a Complaint Petition dated 30.11.2019 under section 18(1) of the RTI Act, 2005 before this Commission and the said appeal has been taken up for today's (10.11.2020) enquiry.

4. During the enquiry, the Public Information Officer stated that within one week he will provide the information to the Petitioner.

5. In the facts and circumstances of this case, this Commission finds that information sought by the petitioner was not fully provided to the petitioner. Hence, the Public Information Officer is hereby ordered:

- The Public Information Officer is hereby ordered to provide the complete information to the petitioner by RPAD within 7 days under Section 7(6) of Right to Information Act from the date of receipt of this order and report compliance to this Commission.
- The Commission further orders that if the Public Information Officer fails to provide requisite information during the said period of 15 days action will be initiated under section 20(1) of the Right to Information Act.

Sd/- (S.T.TamilKumar)
State Information Commissioner

/By order of the Commission/

Assistant Registrar.

Case No. CP308/F/2019

To

PUBLIC AUTHORITY:

The Public Information Officer
O/o. The Tamilnadu Wakf Board,
No.1 Jaffar Syrang Street,
Seethakathi Nagar,
Chennai – 600 001.

PETITIONER:

Thiru Y. Akbar Ahmed, S/o. Yousuf Ahmed,
Old No.113, New No.257, Amir Mahal,
Royapettah,
Chennai – 600 014.