



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2015

Coram

**THE HONOURABLE MR. JUSTICE R. SUBBIAH**

W.P. (MD) .No.14981 of 2015

and

M.P. (MD) Nos.1 and 2 of 2015

Durairaj

:Petitioner

vs.

1.The Chief Executive Officer,  
Tamil Nadu Wakf Board,  
Chennai - 3.

2.The Muthawalli  
Muslim Jamath Palli Vasal  
Maravamangalam,  
Sivagangai.

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the impugned order in R.C.No.15306/07/C2/Svg, dated 18.06.2015, on the file of the 1<sup>st</sup> respondent and quash the same and further directing the 1<sup>st</sup> respondent to issue the copies of petition and other documents pertaining to the proceedings in R.C.No.15306/07/C2/Svg, to the petitioner.

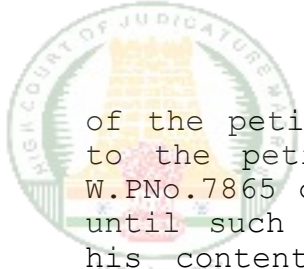
For Petitioner :Mr.G.Prabhu Rajadurai

For Respondents :Mr.K.K.Senthil

O R D E R

The Writ Petition has been filed praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the impugned order in R.C.No.15306/07/C2/Svg, dated 18.06.2015, on the file of the 1<sup>st</sup> respondent and quash the same and further directing the 1<sup>st</sup> respondent to issue the copies of petition and other documents pertaining to the proceedings in R.C.No.15306/07/C2/Svg, to the petitioner.

2. The grievance of the petitioner is that the 1<sup>st</sup> respondent has issued a notice to the petitioner for enquiry, pursuant to the direction given by a Division Bench of this Court in W.P.No.7865 of 2007. Originally, the date of enquiry was fixed on 11.08.2015. In the meantime, the petitioner has sought for a request to the 2<sup>nd</sup> respondent to furnish a copy of the petition along with the documents filed in respect



of the petition for eviction. But the said document was not furnished to the petitioner. Relying upon the decision of this Court made in W.PNo.7865 of 2007, the learned counsel for the petitioner submitted that until such document is furnished to the petitioner, he cannot put forth his contention in the enquiry effectively. The petitioner further submitted that originally, the 1<sup>st</sup> respondent has issued a notice, calling upon the petitioner to appear for the enquiry on 11.08.2015, in the name of the petitioner's tenant viz., Rajasekaran @ Rajendran. However, the petitioner appeared before the first respondent on 11.08.2015 through his counsel and requested to furnish the copy of the petition for eviction, along with the documents filed in support of the petition. But the 1<sup>st</sup> respondent has refused to issue the documents sought for by the petitioner. Now the enquiry was adjourned to 27.08.2015. Hence, the present writ petition.

3. I have heard the submissions made on either side and perused the materials available on record.

4. Hence, considering the submission made by the learned counsel for the petitioner and the decision of this Court made in W.PNo.7865 of 2007, without going into the merits of the entire averments made in the affidavit filed in support of the writ petition, this Court passes the following orders:-

The first respondent is directed to furnish all the documents sought for by the petitioner to put forth his contention in the enquiry effectively, within a period of two weeks from the date of receipt of a copy of this order. After furnishing the documents sought for by the petitioner, the respondent is directed to proceed with the enquiry by fixing a fresh date.

5. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

MPK

Sd/-  
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar.

To

1.The Chief Executive Officer, Tamil Nadu Wakf Board, Chennai - 3.

2.The Muthawalli, Muslim Jamath Palli Vasal Maravamangalam,  
Sivagangai.

1CC to Mr. G. Prabhu Rajadurai, Advocate, SR.No48311.

1CC to Mr.K.K. Senthil, Advocate, SR.No.48217

W.P. (MD) .No.14981 of 2015  
20.08.2015

2P/5C

<https://hcservices.ecourts.gov.in/hcservices/>  
AN/CSV-14/SAR-1/01.09.2015.