



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2015

CORAM :

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P(MD)No.21158 of 2015

and M.P.(MD) No. 1 of 2015

Mohammed Rafiq

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Pattukkottai,
Thanjavur District.

2.The Superintendent of Wakf,
Thanjavur.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorari thereby call for the records of the first respondent in Na.Ka.No.200/2015 A3 dated 27.10.2015 and quash the same as arbitrary and illegal.

For Petitioner	: Mr.P.Ganapathy Subramanian
For R1	: Mr.S.Kumar Additional Government Pleader
For R2	: Mr.K.K.Senthil

O R D E R

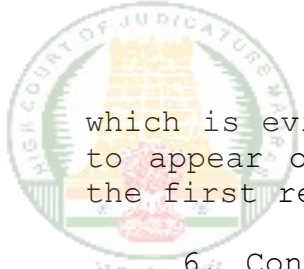
Mr.S.Kumar, learned Additional Government Pleader takes notice for the first respondent. Mr.K.K.Senthil, learned Standing Counsel takes notice for the second respondent.

2.This writ petition has been filed challenging the order of the first respondent dated 27.10.2015 wherein and whereby the petitioner was called upon to hand over the charges to one K.M.Allah Pitchai, who is the elected President of pallivasal.

3. Heard the learned counsel appearing for the petitioner and perused the materials placed before this Court.

4. The grievance of the petitioner as projected before this Court is to the effect that before passing the present order impugned in this writ petition, the petitioner was not put on notice. Therefore, it is contended that there is a violation of principles of natural justice.

5. A perusal of the order passed by the second respondent dated 12.10.2015, which is the basis for passing the present impugned order of the first respondent would show that the petitioner was given sufficient opportunity by issuing notice to hand over the charges to the newly elected President. However, he failed to hand over the charges and on 27.10.2015, the second respondent requested the first respondent to take action. Based on such request, the first respondent called upon the petitioner to hand over the charges on 27.10.2015 by issuing notice,



which is evident from the impugned order itself. As the petitioner failed to appear on that day, the present impugned order came to be passed by the first respondent.

6. Considering the facts and circumstances, I am of the view that the respondents have followed the principles of natural justice at all level and therefore, the petitioner has not justified in contending that the present impugned order is in violation of principles of natural justice. When a new person was elected to the post of President, it is bounden duty of the petitioner to hand over the charges unless he is armed with any order of the competent court in support of his claim. Therefore, I find no merit in this writ petition. Accordingly, the same is dismissed. No costs. Consequently, connected M.P. is also dismissed.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

- 1.The Revenue Divisional Officer,Pattukkottai,Thanjavur District.
- 2.The Superintendent of Wakf,Thanjavur.

+1 CC to Mr.P.Ganapathi Subramanian, Advocate, SR No.68087

+1 CC to Mr.K.K.Senthil, Advocate, SR No.68244

+1 CC to the Special Government Pleader, SR No.68157

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SH/AAL-MPA :03.12.2015:2P/6C