

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAIWAMY

W.P.No.9163 of 2017 &

W.M.P.Nos.10155, 10156 & 16613 of 2017

Shabuddeen

...Petitioner

v.

- 1 Tamil Nadu Wakf Board
Rep by its Chairman/Chief Executive Officer
No.1, Jaffar Khan Street
Vallal Seethakathi Nagar
Chennai - 600 001

- 2 The District Collector
Krishnagiri District

- 3 The District Revenue Officer
Krishnagiri

- 4 The Revenue Divisional Officer
Krishnagiri

- 5 Superintendent of Wakfs
Salem

- 6 K.Syed Ibrahim

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus calling for the records in Na. Ka. No. 1423/2017/LR 2, dated 27.03.2017 on the file of the 2nd respondent and quash the same and direct the 1st respondent to conduct an enquiry in respect of the petitioner's mosque situated in Krishnagiri District and Town, The Londonpet Masjid-Ye-Aksha temporarily existing at Chinna Eri Tank Bund Road, Londonpet, Krishnagiri permanently existing at Baba Sahib Street, Londonpet, Krishnagiri after giving reasonable opportunity of being heard.

For Petitioner : Mr.V.Hallel Bem
for Ms.Narmadha Sampath

For Respondents : Mr.V.Lakshmi Narayanan for R1 & R5

Mr.S.N.Parthasarathy
Govt. Advocate - for R2 to R4

Mr.G.Suriya Narayanan - for R6

ORDER

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The petitioner has filed the above writ petition to issue a Writ of Certiorarified Mandamus to call for the records dated 27.03.2017 on the file of the 2nd respondent, quash the same and direct the 1st respondent to conduct an enquiry in respect of petitioner's mosque situated in Krishnagiri District and Town, The Londonpet Masjid-Ye-

Aksha temporarily existing at Chinna Eri Tank Bund Road, Londonpet, Krishnagiri permanently existing at Baba Sahib Street, Londonpet, Krishnagiri after giving reasonable opportunity of being heard.

2. The petitioner has challenged the impugned order dated 27.03.2017 on the ground that the petitioner was not given an opportunity of hearing.

3. On a perusal of the impugned order dated 27.03.2017, it could be seen that in the 2nd paragraph, the 2nd respondent, District Collector has stated that the petitioner had appeared before him and made his submissions. However, in the last paragraph of the impugned order, the 2nd respondent, District Collector has stated that in spite of sending notice to the petitioner on two occasions, the petitioner did not appear for enquiry.

4. Since the 2nd respondent had made contrary findings in the impugned order dated 27.03.2017, Mr.G.Suriya Narayanan, learned counsel appearing for the 6th respondent, submitted that the impugned order passed by the 2nd respondent dated 27.03.2017 may be set side and the matter may be remanded back to the 2nd

respondent for fresh consideration.

5.The learned counsel appearing for the petitioner also submitted that the impugned order has to be set side and the petitioner should be given an opportunity of hearing.

6.Mr.S.N.Parthasarathy, learned Government Advocate, appearing for the respondents 2 to 4 and Mr.V.Lakshmi Narayanan, learned counsel appearing for the respondents 1 and 5 also submitted that the matter can be remanded back to the District Collector for fresh consideration.

7. In these circumstances, since the petitioner was not given an opportunity of personal hearing, which is violative of principles of natural justice, I am of the view that the impugned order dated 27.03.2017 is liable to be set aside. Accordingly, the impugned order dated 27.03.2017 is set aside and the matter is remanded back to the 2nd respondent for fresh consideration. The 2nd respondent, District Collector is directed to decide the matter afresh after giving a fair opportunity of personal hearing to all the interested parties and pass orders, within a period of four weeks from the date of receipt of a

copy of this order.

With these observations, the writ petition is allowed. No costs.

Consequently, connected miscellaneous petitions are closed.

13.09.2017

Index: Yes/No

Note : Issue the copy of the order by 15.09.2017

Rj

To

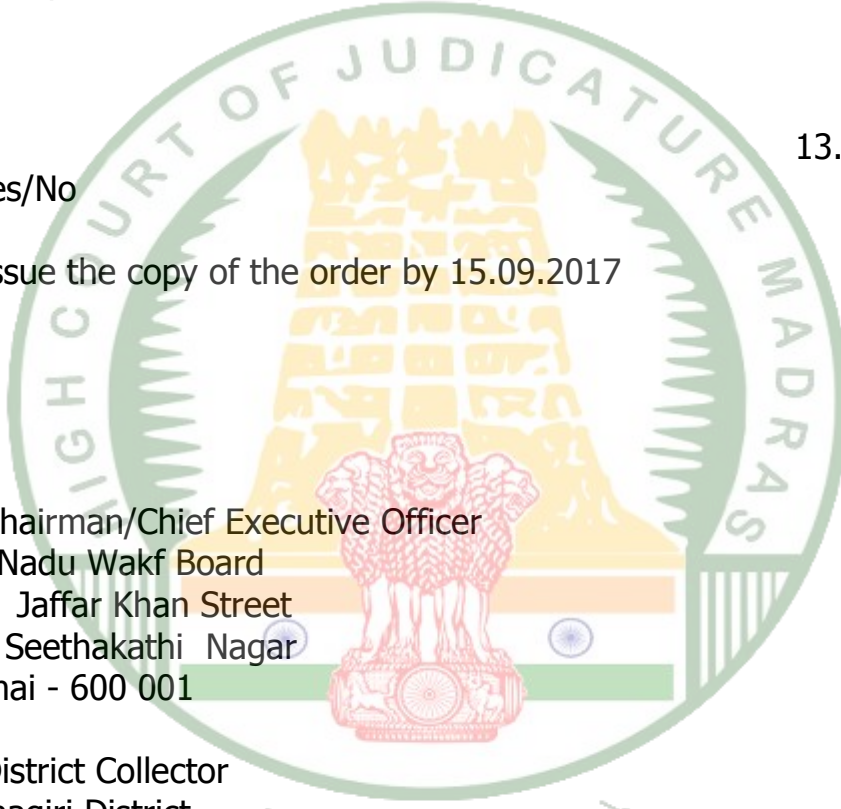
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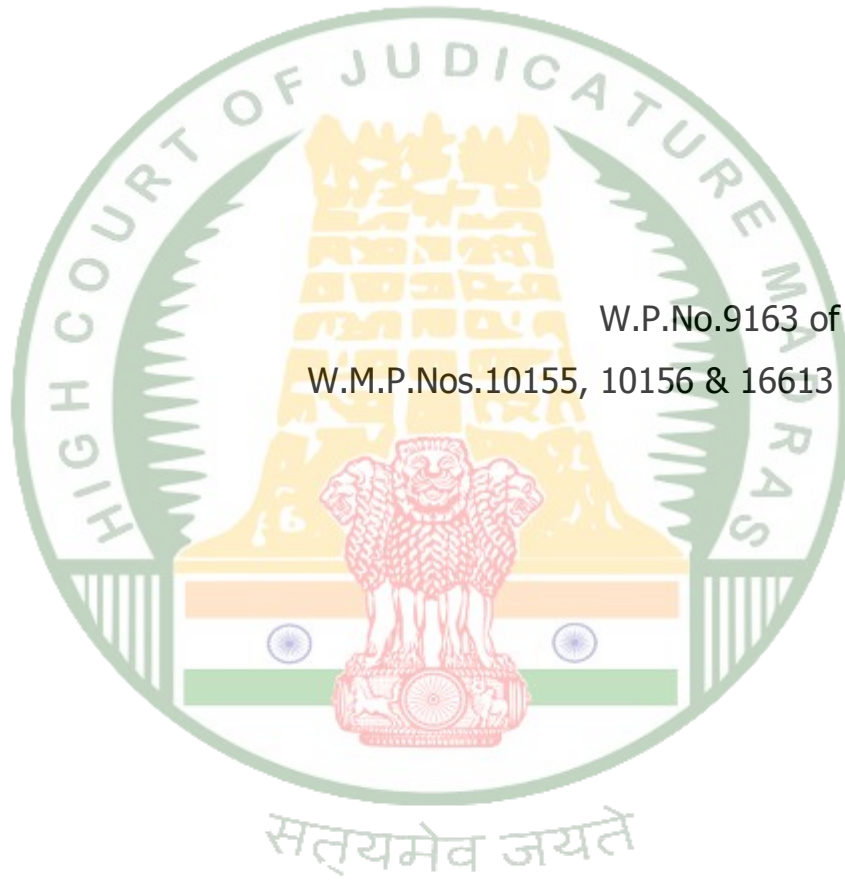
5 Superintendent of Wakfs
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M.DURAI SWAMY, J.

Rj



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