

**THE HON'BLE SRI JUSTICE A.V. SESA SAI**

**WRIT PETITION No.6388 OF 2017**

**ORDER:**

This writ petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue any writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in issuance of Show Cause Notice vide F.No.4/Hyd/C-2008/Enquiry, dated 04.05.2016 submitted by the Respondent No.3 as illegal, arbitrary, in violation of principles of natural justice and in violation of Articles 14 and 21 of the Constitution of India. Consequently direct the respondent No.2 to furnish all the particulars regarding the enquiry as per the letter dated 20.02.2017.”

2. Heard Sri M.A.K.Mukheed, learned counsel for the petitioner, learned Government Pleader for Minority Welfare for the 1<sup>st</sup> respondent and Smt.Sofia Begum, learned standing counsel for Waqf Board for 2<sup>nd</sup> respondent.

3. In the present writ petition, a show-cause notice bearing F.No.4/HYD/C/2008/Enquiry, dated 13.01.2017, issued by the Chief Executive Officer, Telangana State Waqf Board, Hyderabad, is under challenge.

4. According to the learned counsel for the petitioner, basing on the enquiry conducted behind the back of the petitioner, the present show-cause notice came to be issued by the 2<sup>nd</sup> respondent and that the said action on the part of the respondent is totally in violation of the principles of natural justice and contrary to the provisions of the Waqf Act.

5. On the otherhand, it is the submission of the learned standing counsel, Smt.Sofia Begum, that the present writ petition, assailing a show-cause notice, is not maintainable and it is always open for the petitioner herein to submit his explanation to the show-cause notice and participate in further proceedings.

6. A perusal of the impugned show-cause notice dated 13.01.2017, discloses that on receipt of a certain complaints of mismanagement, misappropriation of funds and non-submission of accounts in respect of the subject institution, a preliminary enquiry was ordered and an enquiry report was submitted on 04.02.2015 and the matter was entrusted to the Executive Officer, for conducting a detailed enquiry into the allegations and the Executive Officer, TSWB, conducted spot inspection and enquiry by verifying records and by recoding the statements of the complainants and submitted an enquiry report on 04.05.2016.

7. By way of the present show-cause notice, while enclosing a copy of the report dated 04.05.2016, the Chief Executive Officer, directed the petitioner to show cause. In the impugned show-cause notice there is no formation of any opinion against the petitioner. It is not the case of the petitioner herein that the show-cause notice is one without jurisdiction. Since the show-cause notice gives opportunity to the petitioner herein, this Court, in the absence of element of lack of jurisdiction, is not inclined to entertain the present writ petition.

8. In view of the above, this writ petition is dismissed, keeping it open for the petitioner herein to submit his explanation to the impugned show-cause notice dated 13.01.2017, within a period of two weeks from the date of receipt of a copy of this order and if any such explanation is offered, within the time stipulated, the respondent authorities are at liberty to proceed in accordance with law, after considering the same and the representation dated 18.02.2017, said to have been submitted by the petitioner herein and after giving notice and opportunity of being heard to the petitioner herein. It is also open to the petitioner herein to place all the material before the 2<sup>nd</sup> respondent in support of his case.

5. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

---

**A.V.SESHA SAI, J**

**22.02.2017**  
SS

