

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.1164 of 2016

Janab. Haji.K.Sadiq Batcha

.. Petitioner

Vs.

The Chief Executive Officer,
The Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

.. Respondent

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to consider the petitioner's application dated 30.12.2015 and to provide the reasonable opportunity to the petitioner to defend his case and dispose of the same within a stipulated time.

For Petitioner : Mr.K.Sathishkumar

For Respondent : Mr.Mohammed Aseef

O R D E R

The Writ Petition has been filed for a mandamus seeking a direction to the respondent to consider the petitioner's application dated 30.12.2015 and to provide the reasonable opportunity to him to defend his case and dispose of the same.

2. According to the learned counsel for the petitioner, the petitioner was appointed as Muthawalli/Mujawar for Sarkkar Chinna Agraharam Sheik Allaudeen Badusha Aulia Dargah, situated at Erode District. While so, the respondent issued a notice in Na.Ka.No.4146/14/B2/Erode, dated 22.12.2015, calling for the petitioner to appear before him on 29.12.2015 for an enquiry with all the necessary documents, without furnishing the copy of the complaint and other related documents. Therefore, the petitioner appeared in person for the said enquiry and requested

the respondent to furnish the copy of the complaint and related documents, for which, the respondent has given a copy of the statement given by one Mrs.Shahetha Begum to the petitioner. Based on the same, the petitioner was requested to give a reply immediately. Instead of furnishing all the details, the respondent insisted the petitioner to give a reply immediately and if he fails to do so, it was made clear that an ex-parte order would be passed. In the enquiry notice, the respondent had referred to a Writ petition in W.P.No.23390 of 2015 and the said notice was issued only based on the order passed by this Court. Without furnishing the relevant documents to the petitioner, the respondent proceeded to pass an order, which amounts to violation of principles of natural justice. Therefore, the petitioner submitted an application on 30.12.2015 to the respondent seeking permission to file 25 documents and to examine 12 witnesses for establishing his case. The said application is pending before the respondent. Since the said application is yet to be disposed of by the respondent, the petitioner has filed this Writ Petition for the relief stated supra.

3. Heard Mr.Mohammed Aseef, learned counsel on behalf of the respondent.

4. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the respondent to consider the petitioner's application dated 30.12.2015 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of six weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

srn/av

To

The Chief Executive Officer,
The Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

+1 cc to Mr.K.Sathish, Advocate Sr.No.12206

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BR(CO)
CSL/21.03.2019