

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.04.2019
CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.31686 of 2018
and
WMP.Nos.36929 and 36930 of 2018

M.I.Mohammed Jelaludheen

...Petitioner

Vs

- 1.The Chief Executive Officer,
Puducherry State Waqfs Board,
No.5, Eanum Venkatachalam Pillai Street,
Puducherry.
- 2.The President,
Committee of Management- Waqfs,
(Mohideen Adbul Kader Jeelani Andagai Jamia Masjid),
Thirumalairayanpattinam,
Karaikal, Puducherry.
- 3.The Secretary,
Committee of Management- Waqfs,
(Mohideen Adbul Kader Jeelani Andagai Jamia Masjid),
Thirumalairayanpattinam,
Karaikal, Puducherry. ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ or order or orders or direction particularly in the nature of Writ of Certiorarified Mandamus calling for the entire records connected with the impugned order dated 16.10.2018 passed by the respondents 2 and 3 and quash the same consequently direct the respondents to reinstate the petitioner in service.

For Petitioner : Mr.Greetha Senthilkumar

For Respondents : Mr.A.V.Ramalingam
Addl. Govt. Pleader for R1

: Mr.N.A.Nissar Ahmed for R2 & R3

O R D E R

The order of termination terminating the services of the writ petitioner from the post of "Pesh Imam" in Mohideen Abdul Kader Jeelani Andagai Jamia Masjid, Periya Pallivasal

Street, Thirumalarayanpattinam, Karaikal, is under challenge in the present writ petition.

2. The learned counsel appearing on behalf of the writ petitioner states that, the writ petitioner was illegally terminated from the post of "Pesh Imam" and no opportunity was provided to the writ petitioner enabling him to submit his defense statements. Thus, the order itself is in violation of the principles of Natural Justice.

3. The learned counsel for the respondents opposed the contentions by stating that, there are certain administrative reasons for the termination of the writ petitioner from the post of "Pesh Imam" and therefore, the order of termination is justifiable one and the writ petitioner, in any event has to approach the Waqf Board and the Tribunal for the adjudication of the issues raised in the writ petition.

4. This Court is of an opinion that, such termination orders passed by the Competent Authority namely, the Committee of Management - Waqfs has to be adjudicated by the respective parties by producing documents and by adducing evidences if required. Such an exercise cannot be done by this Court under Article 226 of the Constitution of India. Complex and disputed facts are to be adjudicated before the Competent Authorities by the parties concerned.

5. This being the principles to be followed, the writ petitioner is at liberty to approach the Waqf Board under Section 70 of the Waqf Act and even thereafter, the writ petitioner has an opportunity to approach the Waqf Tribunal for adjudication of the issues. When the statutory remedies are very much available under the Act, the present writ petition need not be entertained, and the writ petitioner is at liberty to approach the Waqf Board and thereafter the Waqf Tribunal, for the purpose off the adjudication of the issues and for the redressal of his grievances in the manner known to law.

6. With these observations, the writ petitioner stands dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Pkn

To

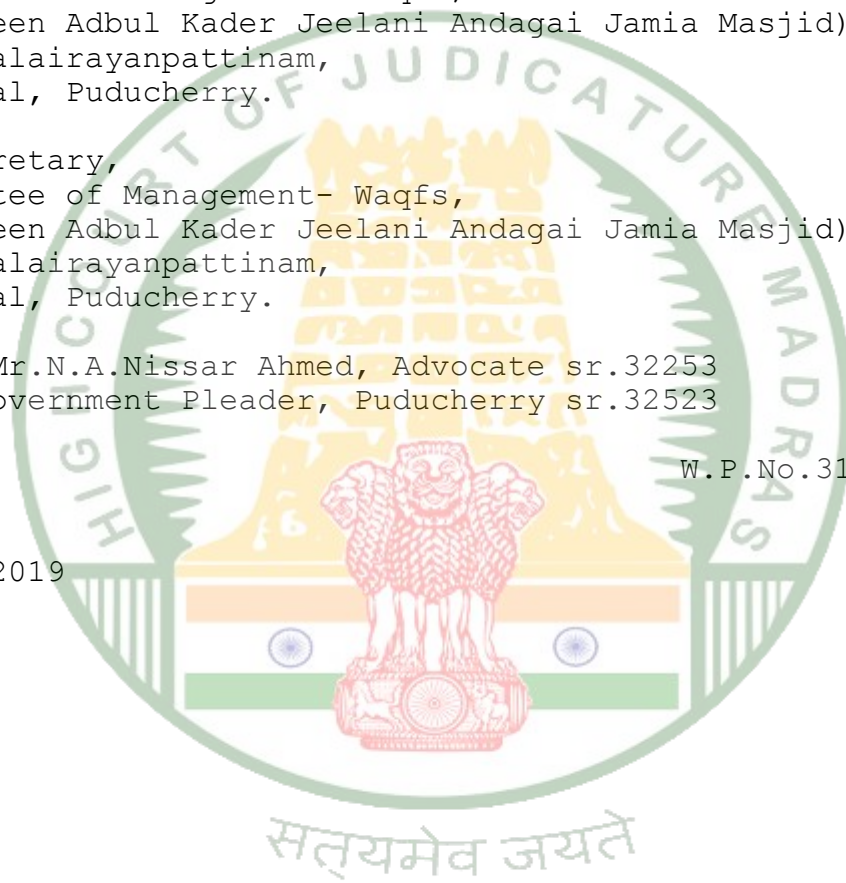
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+lcc to Mr.N.A.Nissar Ahmed, Advocate sr.32253

+lcc to Government Pleader, Puducherry sr.32523

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