



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.10.2019
CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

WEB COPY

W.P (MD)No.14851 2019
and
WMP (MD)Nos.11350 and 11351 of 2019

M.K.M.Haamid Ibrahim
President,
Masjithul Ilahi Trust (new Mosque)
Cumbum,
Theni District.

... Petitioner

Vs.

1. The Chief Executive Officer/
District Revenue Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Sarong Street,
Seethakathi Nagar,
Chennai - 600 001.

2. The Wakf Superintendent,
Madurai Range,
Tamil Nadu Wakf Board,
Town Hall Road,
Madurai - 625 001.

3. The Inspector of Wakf,
Tamil Nadu Wakf Board,
Theni.

4.Janab.M.K.M.Ammer Hamsa
5.Janab.M.S.A.Nijamudeen

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records pertaining to the impugned order passed by the 1st respondent vide his proceedings in Se.Mu.Aanai No: 3587/12/Aa8/Theni dated 07.05.2019 and quash the same as illegal.

For Petitioner : Mr.D.Senthil
For R1 : Mr.S.A.Ajmalkhan
For R2 & R3 : Mr.S.A.S.Alaudeen
For R4 & R5 : Mr.K.Appadurai



ORDER

The petitioner is the President of Masjithul Ilahi Trust (new Mosque), Cumbum. The first respondent has issued a notice of enquiry on 13.03.2019 to be held on 28.03.2019 at 03.00 pm. The petitioner submitted the representation dated 23.03.2019 to reschedule it after one month. However, without adjourning enquiry and without hearing the petitioner, an order came to be passed vide proceedings in Se.Mu.Aanai No:3587/12/Aa8/Theni dated 07.05.2019. Aggrieved over the said order, this writ petition is filed on the ground that opportunity was not given to the petitioner.

2.Admittedly, enquiry was sought to be conducted at the instance of some persons with regard to conduct of Wakf, based on the complaint made against the petitioner and others. In such circumstances, it is fair to give an opportunity to the persons against whom the complaint was made and without enquiry, the first respondent should not have decided the matter, that too when a request was made for postponing the enquiry well in advance. Therefore, I consider that principles of natural justice has not been strictly adhered to and in order to provide an opportunity to the petitioner, the order passed by the first respondent is set aside and the matter is remitted back to the first respondent for *de novo* enquiry. The first respondent is directed to provide opportunity to both sides and complete the same within a period of two months from the date of receipt of a copy of this order.

3.The writ petition is allowed accordingly. No costs. Consequently, WMP(MD)Nos.11350 and 11351 of 2019 are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Chief Executive Officer/
District Revenue Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Sarong Street,
Seethakathi Nagar,
Chennai - 600 001.
2. The Wakf Superintendent,
Madurai Range,
Tamil Nadu Wakf Boad,
Town Hall Road, Madurai - 625 001.



3. The Inspector of Wakf,
Tamil Nadu Wakf Board,
Theni.

+1 CC to Mr.K.APPADURAI, Advocate (SR-93401[F] dated 21/10/2019)

+1 CC to Mr.S.A.AJMAL KHAN, Advocate (SR-93462[F] dated
22/10/2019)

+1 CC to Mr.D.SENTHIL, Advocate (SR-93713[F] dated 22/10/2019)

W.P. (MD) No.14851 of 2019
21.10.2019

MJ

MK (04.11.2019) 3P 7C