



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.19315 of 2021

and

W.M.P(MD)Nos.16051 and 16053 of 2021

Dr.S.Mohamed Aslam

... Petitioner

Vs.

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

... Respondent

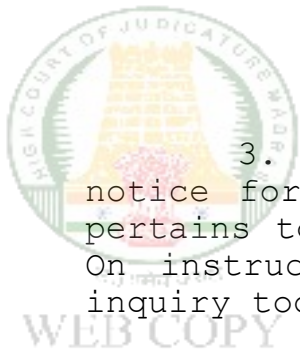
PRAYER : Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records of respondent in R.C.No.16567/12/B7/TNJ dated 22.10.2021 and quash the same as illegal, arbitrary and unenforceable.

For Petitioner : Mr.V.K.Vijaya Ragavan
For Respondent : Mr.Syed Abdul Kather

O R D E R

The petitioner assails a notice dated 22.10.2021 by which he was directed to appear at a hearing today before the Tamil Nadu Wakf Board. The petitioner assails the said notice on the ground that he was informed that if he does not appear along with the relevant records in his possession he would be set exparte and the matter would be decided in his absence. In addition, the petitioner points out that the said letter contains a note to the effect that any letter requesting adjournment will be summarily rejected.

2. The petitioner states that he should be provided a reasonable opportunity. Towards that end, all documents that are proposed to be relied upon in course of inquiry should be provided to the petitioner. The petitioner also seeks the opportunity to file a counter, adduce evidence and make submissions. In a nutshell, the petitioner states that there should be a fair and reasonable inquiry before the matter is decided.



3. Mr.Syed Abdul Kather, learned Standing Counsel, accepts notice for the Tamil Nadu Wakf Board. He submits that the matter pertains to an allegation made by one Janab S.Mohammed Meera Sahib. On instructions, he submits that the petitioner appeared at the inquiry today and that the inquiry was adjourned.

4. Ordinarily, in judicial review, the Court is reluctant to interfere with an inquiry notice. The reason for such non-interference is that the party concerned has the opportunity to appear at such inquiry and raise objections. In addition, the party is ordinarily in a position to rely upon documents and defend himself against the allegations. In the case at hand, the petitioner assails the notice primarily on the ground that such notice contains indications that the matter would be dealt with summarily without providing a reasonable opportunity to the petitioner. The apprehensions may be allayed by issuing directions to the respondent.

5. While conducting an inquiry pursuant to the impugned notice, the respondent shall provide the petitioner with a copy of the complaint and any other documents submitted by the complainant Janab S.Mohammed Meera Sahib. In addition, in case the petitioner proposes to file a counter or rely upon documents, he should be permitted to do so. In short, the respondent shall provide the petitioner with a reasonable opportunity in course of inquiry against the petitioner.

6. Subject to the above observations, W.P(MD).No.19315 of 2021 is disposed of without any order as to costs. Consequently, connected W.M.P(MD).Nos.16051 and 16053 of 2021 are closed.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



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

+1 CC to M/s.V.K. VIJAYARAGAVAN, Advocate (SR-33136[F] dated
28/10/2021)

W.P (MD) No.19315 of 2021
28.10.2021

TR/PM(16.11.2021) 3P 3C