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W.P.No.33788 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.33788 of 2022
and W.M.P.No.33293 of 2022

S.M.Zakir Hussain

.. Petitioner

Vs.

1. The Secretary of Minority Affairs,
Government of Tamil Nadu,
St.George Fort, Chennai.

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

3. The Secretary,
Amjikarai Mosque and Burial Ground Wakf,
Amjikarai, Chennai - 30.

.. Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the first respondent to take disciplinary action against the 2nd respondent and appoint a new CEO to complete the inquiry against the 3rd respondent as per the proceedings initiated by the 2nd respondent vide Na.Ka.No.8522/86/B9/Ch, dated 31.07.2021 and if found guilty and appropriate legal option to be taken against the 3rd respondent and recover the loses made by their deliberate mistakes.

For Petitioner : Mr.Shahul Hameed

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W.P.No.33788 of 2022

WEB COPY

ORDER

This writ petition has been filed mainly on the ground that the second respondent CEO of the Tamil Nadu Wakf Board instead of conducting enquiry is appointing new members to the Masjid Managing Committee.

2. It is relevant to note that on an earlier occasion when enquiry process has started, the same was challenged before this Court in W.P.No.18629 of 2021 and this Court by an order dated 29.09.2021, granted status quo. Thereafter, it appears that enquiry has not been conducted.

3. The learned counsel appearing for the petitioner would submit that the status quo is only for a period of three weeks. Therefore, the second respondent has to conduct enquiry against the allegations made against the then Masjid Management instead of conducting such enquiry he is nominating members to the new Management Committee.

4. This Court is of the view that the enquiry itself is challenged and status quo has been ordered by this Court for three weeks. Therefore, it cannot be stated that the second respondent has to conduct enquiry once again



W.P.No.33788 of 2022

violating the orders of this Court. Such view of the matter, this writ petition is

misconceived and not maintainable. This writ petition is dismissed

accordingly. Consequently, the connected miscellaneous petition is closed.

No costs.

16.12.2022

Index : Yes / No

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To

1. The Secretary of Minority Affairs,
Government of Tamil Nadu,
St.George Fort, Chennai.

2. Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffar Syrang Street,
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N.SATHISH KUMAR, J.

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