



WEB COPY



W.A.No.604 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.604 of 2023

S.M.Zakir Hussain

.. Appellant

Vs

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

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

3.The Secretary,
Aminjikai Mosque and Burial Ground Wakf,
Aminjikai,
Chennai-600 030.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 16.12.2022 passed in W.P.No.33788 of 2022.



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For the Appellant : Mr.K.Shahul Hameed

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondent No.1

JUDGMENT

(Delivered by the Hon'ble Acting Chief Justice)

This writ appeal is directed against the order dated 16.12.2022 made in W.P.No.33788 of 2022, whereby the learned Single Judge refused the prayer of the appellant to direct the first respondent to take disciplinary action against the second respondent and appoint a new Chief Executive Officer to complete the inquiry against the third respondent.

2. Learned counsel for the appellant submitted that originally when the appellant filed a complaint to the Chief Executive Officer, Tamil Nadu Wakf Board, Chennai, about certain financial irregularities, misappropriation of funds, mismanagement and procedural lapses made by the then Mutavalli and the management team of the third respondent herein, an inquiry was conducted by the Chief Executive



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Officer of the Tamil Nadu Wakf Board and upon receipt of the enquiry report, a show cause notice was issued to the members of the then Masjid.

3. Learned counsel for the appellant would submit that assailing the show cause notice dated 31.7.2021, the third respondent has filed W.P.No.18629 of 2021 and, this Court, while ordering notice, on 29.9.2021, granted an order of status quo for a period of three weeks. Although a sum of Rs.18,33,504/- was misappropriated, the second respondent has not taken due care to vacate the said order of status quo by filing counter, which shows that the second respondent has allowed the wrong-doers to contest in the election. Therefore, a detailed representation dated 22.8.2022 was given to ascertain the participation of the old Management Committee members in the selection.

4. Learned counsel for the appellant further submitted that only the Senior Accounts Officer of the second respondent has conducted the enquiry and the Chief Executive Officer has neither conducted any enquiry and nor filed any counter to vacate the interim order.



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Learned counsel urged that the learned Single Judge has failed to appreciate the reason given by the appellant in the affidavit filed in support of the writ petition. Therefore, challenging the impugned order of the learned Single Judge dated 16.12.2022 passed in W.P.No.33788 of 2022, the present appeal has been filed.

5. We have gone through the order of the learned Single Judge impugned in this appeal. The finding recorded by the learned Single Judge would clearly show that the enquiry itself was challenged and an order of status quo was granted in W.P.No.18629 of 2021 for a period of three weeks. It was further held that the second respondent cannot be expected to conduct an enquiry violating the order of status quo granted.

6. In the light of the aforesaid finding recorded by the learned Single Judge, we are of the view that it is for the appellant to work out his remedy in the manner known to law by filing appropriate application in the pending writ petition, namely W.P.No.18629 of 2021.

7. Finding no merit in the writ appeal, the same is dismissed.



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There will be no order as to costs. Consequently, C.M.P.No.5893 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
16.03.2023

Index : Yes/No
Neutral Citation : Yes/No
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