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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.18547 of 2023

and

WMP Nos.17778 and 17780 of 2023

A.B.Habeeba
D/o.Abdullah Basha @ Babu
No.216, Old Katpadi Road
New Bus Stand, Vellore 4.

... Petitioner

vs.

- 1 The Chairman
Tamil Nadu Waqf Board
No.1, Jaffer Syrang Street
Vallal Seethakadhi Road
Chennai 600 001.
- 2 The Chief Executive Officer
No.1, Jaffer Syrang Street
Vallal Seethakadhi Road
Chennai 600 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records relating to the impugned notice dated 24.05.2023 sent by the 2nd



Respondent in RC.No.13513/09/B7/Vlr, and to quash the same.

For Petitioner : Mr.W.M.Abdul Majeed
For Respondents : Mr.S.Hajamohideen Gisthi
Standing counsel

ORDER

This writ petition has been filed challenging the impugned notice dated 24.05.2023 sent by the 2nd respondent.

2. The case of the petitioner is that the petitioner had given a complaint against the rival party before the Wakf Board on 26.12.2022. According to the petitioner, as a counter blast, the rival party has given a complaint against the petitioner. On receipt of the same, the 2nd respondent issued notice dated 24.05.2023 asking the petitioner to appear for the hearing on 30.05.2023. The petitioner was not aware of the nature of the complaint that was given against her and the petitioner appeared on 30.05.2023. The complaint copy was not given to the petitioner. However, the petitioner gave a written representation on the spot on 30.05.2023.

3. The main grievance expressed by the petitioner is that



the entire enquiry was conducted in a hasty manner even without giving the copy of the complaint to the petitioner and affording an opportunity to the petitioner to make a proper response for the complaint. Hence, the petitioner has challenged the notice dated 24.05.2023 that was issued by the 2nd respondent.

4. The learned Standing counsel appearing on behalf of the Wakf Board submitted that there was a complaint and a counter complaint between the petitioner and the rival parties and the Board has conducted an enquiry in both the complaints and the final orders are going to be passed within a period of two weeks. The learned Standing counsel submitted that when the enquiry has already been completed, this writ petition has been filed before this Court.

5. In the considered view of this Court, if ultimately an order is passed by the Board and it goes against the petitioner, it will always be open for the petitioner to challenge the same. While doing so, the non supply of the complaint and not providing adequate opportunity to the petitioner to meet the complaint, can also be



made as a ground. Such a cause of action will arise only after the board passes an order. In view of the same, this Court is not inclined to interfere with the notice at this stage and it is left open to the petitioner to wait till a final decision is taken by the Board and thereafter, proceed further in accordance with law.

6. This writ petition is disposed of in the above terms. No costs. Consequently, the connected miscellaneous petitions are closed.

23.06.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No

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To

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N. ANAND VENKATESH, J.
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