



WEB COPY



W.P.No.27033 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.No.27033 of 2023

and

WMP.No.26464 of 2023

Ameenuddin Abul Hasan

...Petitioner

Vs.

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

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for records of the respondent dated 17.08.2023 and made in Na.Ka.No.9702/22/B4/Thiruvallur and quash the same.



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For Petitioner : Mr.N.A.Nissar Ahmed
Senior Advocate
for Mr.I.Kowser Nissar

For Respondent : Mr.S.Haja Mohideen Gisthi
Senior Standing Counsel

ORDER

The petitioner herein is challenging the show cause notice issued by the respondents informing the charges framed against him by the Wakf Board.

2. The learned Senior Counsel appearing for the petitioner assailed the impugned show cause notice on the ground of want of jurisdiction. It is the case of the learned Senior Counsel appearing for the petitioner that the power to appoint or remove Muthawalli is vested with the Wakf Board under Section 32 (2) (g) of the Wakf Act. The said power cannot be delegated by the Wakf Board in view of the bar under Section 27 of the Wakf Act.

3. A reading of the impugned order would suggest that the charges against the petitioner were communicated to the petitioner by the



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respondents based on the resolution of Wakf Board dated 19.07.2023. When the Writ Petition came up for hearing for admission on 14.09.2023, the learned Standing Counsel for the respondents was directed to produce a copy of resolution No.81/2023 dated 19.07.2023, which is referred to in the impugned notice.

4. Today, the learned counsel for the respondents produced a copy of the resolution passed by the Wakf Board dated 19.07.2023. A perusal of the same would suggest that the charges mentioned in the impugned notice were framed by the Wakf Board in its resolution and it has been decided to call for explanation from the petitioner regarding the charges mentioned in the resolution. In pursuance of the said resolution, the impugned show cause notice has been issued by the Chief Executive Officer of the Wakf board, namely the respondent to the petitioner communicating the charges framed against him and requesting him to offer his explanation. Therefore, the contention made by the learned Senior Counsel as if the charges were framed by the respondent himself cannot be accepted. The charges were framed by the Competent Authority namely Wakf Board in its resolution dated 19.07.2023 and communicating the same to the petitioner is only a Ministerial Act which



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has been done by the respondent under the impugned notice. Therefore, the contention made by the learned Senior Counsel regarding lack of jurisdiction of the respondent is not acceptable to this Court.

5. Therefore, the petitioner shall offer his explanation to the show cause notice and the same has to be considered by the Competent Authority namely the Wakf Board in accordance with law. Therefore, I do not find any reason to interfere with the impugned show cause notice. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

15.09.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation Case : Yes/No
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To

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S.SOUNTHAR, J.
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