



W.P.(MD) No.5190 of 2023.

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2023

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

**W.P.(MD) No.5190 of 2023
and
W.M.P.(MD) Nos.4884 and 4885 of 2023**

1.Meer Fakrudeen Munshi

2.S.G.Azaam Ali

... Petitioners

/vs./

1.The Tamil Nadu Waqf Board,
represented by its Chief Executive Officer,
No.1, Jaffer Zairang Street,
Vallalseethakathi Nagar,
Chennai -1.

2.The Superintendent of Waqf,
Tamil Nadu Waqf Board,
Madurai Division,
Town Hall Road,
Madurai.

3.Abdul Rahman

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the 1st respondent in Rc.No.13575/02/B8/MDU dated 24.02.2023 and quash the same as illegal and consequently direct the respondent board to frame a fresh/new scheme by holding a de-novo enquiry as directed by this Court in W.P.(MD).No.25792 of 2022 dated 27.01.2023.

For Petitioners : Mr.Haja Gisthi for
Mr.M.Mahaboob Athiff

For Respondents : Mr.D.Haroon Rasheed
Standing Counsel

ORDER

The above writ petition has been filed to call for the records relating to the impugned proceedings of the first respondent in Rc.No.13575/02/B8/MDU dated 24.02.2023, quash the same as illegal and to direct the respondent Board to frame a fresh/new scheme by holding *de novo* enquiry.

2.The grievance of the petitioners is to the impugned notice dated 24.02.2023, wherein the first respondent had issued a notice informing the parties and a Draft Scheme has been displayed on the notice board and in the office of



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the Wakf Institutions calling for the addressees to appear for an enquiry before him on 13.03.2023 at 04.00 pm.,

3.The grievance of the petitioners is that this Draft Scheme is against the orders passed by this Court in W.P.(MD) Nos.24409, 25763 and 25792 of 2022 dated 27.01.2023, wherein this Court has observed as follows:-

“33.For all the above reasons, I am inclined to set aside the impugned Scheme. It was submitted by the Counsel for the Respondent Board that liberty may be given to frame a fresh/new Scheme and time line may be stipulated by this Court. Recording the above, the respondents are directed to frame the Scheme in compliance with directions of this Court in C.R.P.No.491 of 2006, Cont.P.(MD) No.4 of 2009 and W.P.(MD) No.2705 of 2016 and provision of Section 32 (2) (d) and 69 of the Act within a period of 12 weeks from the date of receipt of a copy of this order.”

4.Therefore, after hearing all the parties, this Court allows the Writ Petition with the following directions:-



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- i) The respondent Board shall not display this Draft Scheme.
- ii) The respondent Board shall invite suggestions from the interested parties and members of the concerned Waqf to submit their suggestions for drafting a scheme.
- iii) The suggestions shall reach the Board on or before 03.04.2023 and thereafter, the Board shall issue notice calling for personal enquiry on 28.04.2023 to consider their suggestions and formulate a scheme.
- iv) The Board shall therefore issue a fresh notice containing this directions to all the concerned parties.

5.The impugned proceeding of the first respondent in Rc.No. 13575/02/B8/MDU dated 24.02.2023 is hereby set aside. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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Note : Issue order copy on 13.03.2023.



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This matter is listed today under the caption 'for being mentioned', at the instance of both the learned counsel.

2. It is represented that in the appearance portion of the order dated 10.03.2023, both the names of the learned counsel for the petitioners and the learned counsel for the respondents have been wrongly typed and the same may be corrected.

3. Considering the said submission, in the appearance portion, “for petitioners”, the may be corrected as ***Ms.Chithra Sampath, Senior Counsel; assisted by Mr.M.Mahaboob Athiff;*** instead of Mr.Haja Gisthi for Mr.M.Mahaboob Athiff; and “for respondents”, the name may be corrected as ***Mr.S.Haja Mohideen Gisthi, assisted by Mr.D.S.Haroon Rasheed, Standing Counsel*** instead of Mr.D.Haroon Rasheed, Standing Counsel.

4. Registry is directed to carry out necessary corrections and issue fresh certified copy.

17.03.2023

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