



REV.APLW.(MD).No.135 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

REV.APLW.(MD).No.135 of 2023

and

W.M.P.(MD).No.15479 of 2023

S.Sugarno,
The President,
Malick Dhinar Baithulmal,
Pon Arippu Street,
Kottar Post,
Nagercoil-629 002.

... Petitioner

Vs.

- 1.M.Mohammed Abdul Kader
- 2.The Chief Executive Officer,
Tamil Nadu Wakf Board,
Door No.1, Jafar Sirang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.
- 3.The Superintendent of Wakf,
Tamil Nadu Wakf Board,
Tirunelveli Region,
51/80, KAP Complex,
TVM Road, Kulavanigarpuram,
Palayamkottai,
Tirunelveli-627 002.
- 4.The Revenue Divisional Officer,
Nagercoil.

... Respondents



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Prayer: Review Application Writ filed under Section 47 Rule 1 & r/w 114 CPC, to review application filed against order in WP.(MD).No.16138/2023 dated 05.07.2023 passed by this Court.

For Petitioner : Mr.T.Mohan,
Senior Advocate

For Respondents : Mr.C.T.Perumal,
For R-1

Mr.D.S.Haroon Rasheed,
Standing Counsel,
For R-2 & R-3

Mr.B.Saravanan,
Additional Government Pleader,
For R-4

ORDER

This Review Application has been filed against the order, dated 05.07.2023, passed in W.P.(MD)No.16138/2023.

2. After considering the case of the writ petitioner, this Court has directed the respondents to give opportunity to the petitioner and after considering the petitioner's objections, had directed to consider and pass orders.

3. However, the fourth respondent in the Writ Petition filed this Review



Application stating that order in the Writ Petition has directed the respondents to conduct the denovo enquiry. The order passed by the respondent is only to handover the charge and the accounts. The other persons whoever holding the committee had already attended the enquiry and submitted their case. Therefore, the denovo enquiry is not required, as far as the other committee members are concerned. Since the Writ petitioner is claiming that he was not granted an opportunity, then opportunity may be granted to him. But the other members were granted sufficient opportunity and they had participated in the enquiry and submitted their case. Therefore, it is not necessary for the denovo enquiry.

4. After considering the rival submissions, this Court is of the considered opinion that the writ petitioner has filed the case for him alone and he has not filed the case in representative capacity. Since the petitioner is seeking opportunity for himself, the same ought to be granted to the petitioner. It is not necessary to grant opportunity for others, more so when others had not sought any such opportunity. Therefore, this Court is modifying the order dated 05.07.2023. The respondents shall consider the petitioner's case and pass orders.

5. To this extent stated above the order is modified. The Writ petitioner shall attend the enquiry without fail, if he is not appearing then the respondents



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are at liberty to pass orders based on the documents.

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6. With this modification, this Review Application is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition are closed.

21.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Sml

To

The Revenue Divisional Officer,
Nagercoil.



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S.SRIMATHY, J.

Sml

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