



W.P.(MD)No.25906 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :26.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.25906 of 2023
and WMP(MD) Nos.22248 and 22249 of 2023

Khan Miyan Pallivasal @ Shah,

... Petitioner

Vs

1. The Tamilnadu Waqf Board,
Rep. Through its Chairman,
No. 1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai..

2. The Tamil Nadu Waqf Board,
Rep. Through its Chief Executive Officer,
No. 1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai..

3. Abdul Rahman,,
The Chairman,
Tamil Nadu Waqf Board,
No. 1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai..



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4. Malathi,,
W/o. Subramanian,
D.No. 69c, Perumal
Kovil South Car Street,
North Vallioor,
Tirunelveli..

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing call for the records of the impugned notice of the 2nd respondent in Na.Ka.No. 3211/07Aa1/Thiveli dated 18.10.2023 and quash the same and consequently direct the respondents 1 and 2 to appoint any other independent officer in the rank of retired Judge of District Judiciary or a neutral person.

For Petitioner :M/s.H.Arumugam
For Respondents :Mr.A.Haja Mohideen Gisthi
assisted by Mr.D.S.Haroon Rasheed
for R1 to R3

ORDER

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents 1 to 3.

2. What is under challenge is a mere notice. It is well settled that a notice by itself does not infringe the rights of any party. The learned counsel for the petitioner states that the present Chairman of the Board is



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ill-disposed towards him. It is true that the Chairman has been impleaded in his personal capacity also. I am of the view that the doctrine of necessity may apply in such cases. Be that as it may, the petitioner can very well place their materials for the consideration of the board. The petitioner can move the tribunal or any other appropriate authority, after final order is passed. I make it clear that the dismissal of this writ petition will not foreclose the contentions of the writ petitioner grounded on bias. Leaving open all the contentions of the writ petitioner, this writ petition is disposed of. No costs. Consequently connected Miscellaneous Petitions are closed.

26.10.2023

NCC :Yes/No
Index :Yes/No

RR



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G.R.SWAMINATHAN, J.

RR

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