



W.P.No.2372 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.2372 of 2024
and W.M.P.Nos.2574 & 2575 of 2024

K.Mohamed Rafik @ Babu Sait

...

Petitioner

/vs/

1. The Government of Tamilnadu,
Rep. by its Principal Secretary,
Backward Classes, Most Backward Classes
& Minority Welfare,
Fort St.George,
Rajaji Salai,
Chennai – 600 001.
2. The Tamilnadu Waqf Board,
Represented by its Chairman,
No.1, Jafar Syrang Street,
Vallal Seethakathi Street,
Chennai – 600 001.
3. The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jafar Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.
4. District Revenue Officer,
Mylapore,



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Chennai – 600 028.

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5. Janab. R. Parvez Ahmed
6. Janab. A. Md.Inayathullah Sheriff
7. Janab. Mohamed Mumtaj Khan
8. Janab. M.Mansoor
9. Janab. K.Riyaz Sheriff

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records published by the Office of the fourth respondent and to stay the further proceedings of the notices published by the office of the fourth respondent and consequential proceedings of the fourth respondent dated 18.01.2024 and 22.01.2024 to quash the same as illegal as the matter in connection with writ petition W.P.No.27860 of 2023 are pending on the file of this Court.

For Petitioner ... Mr.S.N.Kirubanandan
for Mr.Kanz Mohamed

For Respondents ... Mr.Haja Mohideen Gisthi
Standing Counsel for R2 & R3

Mr.P.Ganesan
Additional Govt. Pleader for R1 & R4



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ORDER

This Writ Petition has been filed to quash the notices published by the office of the fourth respondent and consequential proceedings of the fourth respondent dated 18.01.2024 and 22.01.2024.

2. The petitioner who claims to be a hereditary Mutawalli of the affairs of Majilis-E-Munthazima Masjid @ Chettys Garden Mosque @ Naul Band Mosque, stated that the Mutawalli was created by his father. After the demise of his father, the petitioner was unanimously selected as Mutawalli and the same was communicated to the Waqf and the Waqf is administered and carried out according to the proforma by the petitioner. Since the second respondent has taken the direct management of Waqf without the petitioner, the petitioner has filed an appeal under Section 65(2) of the Waqf Act, 1995, before the first respondent and the same has not been considered so far.

3. Mr.Haja Mohideen Gisthi, the learned Standing Counsel for second and third respondents submitted that the despite repeated notices have been issued to the petitioner, the petitioner did not make his appearance and hence the Revenue Divisional Officer has reserved the matter for orders.



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WEB COPY 4. Mr.P.Ganesan, the learned Additional Government Pleader for R1 & R4, submitted that the petitioner did not appear for enquiry despite several opportunities were given to him; hence the Revenue Divisional Officer has reserved the matter for orders.

5. The learned counsel for the petitioner submitted that the petitioner appeared twice for enquiry but he did not appear on 22.01.2024 alone. According to the respondents 1 to 4, among the three hearings set out, the petitioner had chosen to appear for one hearing and he did not care to attend the enquiry during the other hearings.

6. If the petitioner is really aggrieved due to the action of the second respondent and he is interested in participating in the appeal proceedings, then he has to make his appearance as and when opportunity is given to him in order to make his submission. Without availing the opportunity given to him, the petitioner cannot come and say that the principles of natural justice has been violated and he has not been given with any opportunity.



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WEB COPY 7. However the learned counsel for the petitioner submitted that if one more date is scheduled, the petitioner will appear for enquiry without fail and make his submission.

8. The learned Additional Government Pleader, on instructions, submitted that the petitioner may appear for enquiry on 13.02.2024.

9. Considering the same, the petitioner is directed to appear for enquiry on 13.02.2024 without fail and the Revenue Divisional Officer may conduct the enquiry, pending appeal with the first respondent and pass orders.

10. With the above direction, this Writ Petition is disposed. No costs.
Connected miscellaneous petitions are closed.

06.02.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No
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R.N.MANJULA ,J.

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To:

- 1.The Principal Secretary, Government of Tamil Nadu,
Backward Classes, Most Backward Classes
& Minority Welfare,
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2. The Chairman,
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