



WEB COPY



W.P. No. 2582 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 27.02.2024**

**CORAM**

**THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU**

**W.P. No. 2582 of 2024**

**and**

**W.M.P. No. 2831 of 2024**

M/s. Muslim Jamath Committee,  
Block No. 55, Manali New Town,  
Chennai - 600 103.  
Rep. by its Secretary,  
M.Humayun Sherif

... Petitioner

-VS-

1. Principal Executive Officer,  
Tamil Nadu Waqf Board,  
Chennai - 600 001.
2. Superintendent,  
Waqf Board, Poonamallee Circle,  
Chennai - 600 096.
3. Inspector of Waqf Poonamallee Division,  
Waqf Observer Office,  
Poonamallee Big Mosque Complex,  
Poonamallee,  
Chennai - 600 096.

... Respondents

**Prayer:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, to call for the records relating to the impugned notice dated 29.12.2023 on the file of the Third Respondent and quash the same.



W.P. No. 2582 of 2024

For Petitioner : Mr. K.Seetharam  
For Respondents : Mr. Santhosh  
for Mr.Avinash Wadhwani

## ORDER

Heard Mr. K.Seetharam, Learned Counsel for the Petitioner and Mr. Santhosh, Learned Counsel for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, viz., M/s. Muslim Jamath Committee, had been served with Notice No. Na. Ka. 786/Tlur/vaAa/2023 dated 29.12.2023 followed by a reminder Notice No. Na. Ka. 786/Tlur/vaAa/2023 dated 12.01.2024 calling upon it to submit its explanation for its non-registration as a Waqf under the Waqf Act, 1995, within a period of 15 days. The Petitioner had submitted his explanation by letter dated 18.01.2024 to the Third Respondent by registered post, but it had been returned unserved with postal endorsement 'door locked'. In that backdrop, this Writ Petition has been filed challenging the said notice.



W.P. No. 2582 of 2024

3. The Third Respondent, who is present in Court today, states that he was not present at the time when that letter by registered post had come to his office and he has received the said explanation along with returned postal cover in court today and also made an endorsement to that effect in the presence of Learned Counsel for the Respondents.

4. In such circumstances, as there is no necessity to interfere with the impugned order and the Writ Petition is disposed on the following terms:-

- (i) it shall be incumbent upon the concerned authority to immediately examine the explanation dated 18.01.2024 submitted by the Petitioner in response to the notices dated 29.12.2023 and 10.01.2024 including ascertaining as to whether it would be entitled for such relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner and other persons requiring the same to be furnished within a time frame of not less than 3 working days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, full opportunity of personal hearing to the Petitioner and all other persons concerned shall be afforded to explain their position in that regard; and



W.P. No. 2582 of 2024

(iv) a reasoned order shall be passed dealing with each of the contentions

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communicated under written acknowledgment.

Consequently, the connected Miscellaneous Petition is closed. No costs.

27.02.2024

Index: Yes/No

NCC: Yes/No

**Note: Issue order copy by 02.04.2024.**

kv

To

1. The Principal Executive Officer,  
Tamil Nadu Waqf Board,  
Chennai - 600 001.
2. The Superintendent,  
Waqf Board, Poonamallee Circle,  
Chennai - 600 096.
3. The Inspector of Waqf Poonamallee Division,  
Waqf Observer Office,  
Poonamallee Big Mosque Complex,  
Poonamallee,  
Chennai - 600 096.

Copy to

The Registrar (Judicial),  
Madras High Court,  
Chennai – 600 104.



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**W.P. No. 2582 of 2024**

**P.D. AUDIKESAVALU, J.**

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**W.P. No. 2582 of 2024**

**27.02.2024**