



WEB COPY



W.P.No.11099 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.11099 of 2022

H.M.Abulkalam

...Petitioner

-Vs-

1.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Sirang Street,
Chennai – 600 001

2.The Superintendent of Wakf,
Executive Officer Fazil Sha Owliya Thaikka Palli,
Kadar Owliya Pallivasal Complex,
Kulavanigarpuram, Palayamkottai,
Tirunelveli - 2

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to dispose petitioner's representation dated 05.04.2022 and direct the respondent to settle the said legal fees for the petitioner for the above said case No.WT OS No.2 of 1998 batch i.e., “Fazil Sha Owliya Thaikka Palli” No.WT OS No.2/98, 5/98 to 22/98, 24/98 to 44/98 total 40 cases before the Wakf Tribunal (Sub Court, Nagarcoil).



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For petitioner : Mr.M.Syed Ibrahim

For respondents : Mr.Haja Mohideen Gisthi

ORDER

This writ petition has been filed for direction to direct the respondents to consider the representation submitted by the petitioner seeking settlement of legal fees for the petitioner.

2. The petitioner was working as Additional Government Pleader in this Court from the year 1982 to 2001. Thereafter, he shifted his practice at Nagarkovil District Court. While being so, during the year 2012. The first respondent had appointed the petitioner as legal adviser to conduct the case of Wakf Board pending before Kanyakumari District Wakf Tribunals (Sub Court) at Nagarcoil. The petitioner was also specially assigned to conduct case No.WT OS No.02 of 1998 batch i.e., "Fazil Sha Owliya Thaikka Palli" No. WT OS No.2/98, 5/98 to 22/98, 24/98 to 44/98 total 40 cases before the Wakf Tribunal (Sub-Court, Nagarcoil). The petitioner had appeared for the said case and he had spent his own money for all extent to



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conduct the cases. Thereafter, the petitioner raised bill to settle the legal fees to the tune of Rs.40,000/- and other expenses to the tune of Rs.10,000/- So far the petitioner was not paid his legal fees. Hence, the petitioner submitted representation consider the claim of the petitioner.

3. On perusal of the counter affidavit filed by the respondents revealed that the petitioner provided service to the Waqf Institution i.e., "Fazil Sha Owliya Thaikka Palli". Therefore, the request for payment of legal fees to be made before the Waqf institution. The respondents are not liable to pay any fees to the petitioner.

4. However, today the learned counsel for the Respondents produced a cheque for a sum of Rs.36,000/- in favour of the petitioner towards the fees and other expenditure incurred by the petitioner. The learned counsel petitioner is also ready and willing to accept the same as full and final settlement of the legal fees. The said Cheque has been handed over to the petitioner as full and final settlement of the legal fees.



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5. In view of the above circumstances, this writ petition is closed.

No costs.

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Index : Yes/No
Speaking/Non-Speaking order
Neutral Citation : Yes/No
gvn



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G.K.ILANTHIRAIYAN,J.
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