



WEB COPY



WP.No.18629 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2024

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP.No.18629 of 2021
and W.M.P.Nos.19870, 24217, 24220 of 2021 & 24138 of 2023

The Secretary
Aminjikarai Mosque and Burial Ground Waqf
Aminjikarai, Chennai – 30

.. Petitioner

Versus

The Chief Executive Officer
Tamil Nadu Wakf Board
No.1, Jaffer Syrang Street
Vallala Seethakathi Nagar, Chennai -11

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for records of the respondent ending with Na.Ka.No.8522/86/B9/ch dated 31.07.2021 and quash the same.

For Petitioner : Mr.I.Kowser Nissar

For Respondent : Mr.C.Shankar

ORDER

This writ petition is filed challenging the order of the respondent in Na.Ka.No.8522/86/B9/ch dated 31.07.2021 and quash the same.

2. The case of the writ petitioner is that the petitioner's wakf is a registered and notified wakf under the supervisory control of the Tamil Nadu Wakf Board and the managing committee is discharging its duties in



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accordance with the Wakf Act. However, the respondent has issued the impugned show cause notice to take disciplinary action for removal of Mutawalli on 31.07.2021. Challenging the same, the present writ petition.

3. The learned counsel for the petitioner submitted that only the Tamil Nadu Wakf Board has got power to take disciplinary action for removal of Mutawalli under Section 64 of the Wakf Act, 1995, whereas, the respondent, on his own, issued the impugned show cause notice. Hence, seeks to allow this writ petition.

4. The learned counsel for the respondent submitted that the petitioner may approach the respondent and shall submit all their explanation and the respondent will forward the same to the Tamil Nadu Wakf Board and the Tamil Nadu Wakf Board will pass appropriate orders in accordance with law.

5. Heard both sides and perused the materials placed on record. Considering the facts and circumstances of this case, this Court without going into the merits of the case and without interfering with the impugned show cause notice, directs the petitioner to approach the respondent and submit their explanations and the respondent, shall forward all those things enabling the Tamil Nadu Wakf Board to pass appropriate orders on merits and accordance



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with law within a period of twelve weeks from the date of receipt of a copy of this Order.

6. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

23.09.2024

dhk

Index: Yes/No

Internet: Yes/No

To

The Chief Executive Officer
Tamil Nadu Wakf Board
No.1, Jaffer Syrang Street
Vallala Seethakathi Nagar, Chennai -11

M. DHANDAPANI, J.



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