



CONT P(MD)No.86 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

CONT P(MD)No.86 of 2024

and

SUB A(MD)No.14 of 2024

M.Abdul Kadar,
President,
Madurai Sivakasi Shafi Muslim Jamath
Jumma Pallivasal (MSSMJP),
51, Sundareswara Avenue,
Karpaga Nagar, Villapuram,
Avaniyapuram, Madurai-625 012.

... Petitioner

vs.

- 1.R.Jainulabdeen,
The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Valal Seethakathi Nagar,
Chennai-1.
- 2.A.Yousuf Zakkaria,
Muttavalli,
Madurai Sivakasi - Shafi Muslim Jamath,
Jumma – Pallivasal Waqf and TPK Road



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Kabarsthan-Pallivasal Waqf (MSSMJP),
No.16/20, Senthil Andawar Street,
1st East Cross, Villapuram,
Madurai.

... Contemnors

***(R2 is impleaded, vide Court order,
dated 06.03.2024, in Sub A(MD)No.
61 of 2024 in Cont.P.(MD)No.86 of 2024)***

PRAYER: Petition filed under under Section 11 of the Contempt of Court Act, 1971, to punish the respondent for wilfully disobeying and not complying with the order of this Court, dated 26.09.2023 and 04.12.2023, in W.P.(MD)No.17292 of 2023.

For Petitioner	: Mr.T.S.Mohamed Mohideen
For R1	: Mr.K.R.Kishore Ram for M/s.R.B.Law Associates
For R2	: Mr.T.Lajapathi Roy Senior Counsel for Mr.M.Arjun Varman

ORDER

The learned Counsel appearing for the petitioner submitted that this Court had passed the modified order, dated 04.12.2023. After the receipt of the copy of order, the said modified order was communicated to the respondents on 07.12.2023 through RPAD and the respondents had received the same for which



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the petitioners had submitted copy of the acknowledged card. Further the petitioner had also communicated the said order through e-mail. After the receipt of the same through post as well as email, the respondents have not considered the statutory petition filed by the petitioner, thereby the respondents have committed contempt.

2.The Learned Counsel appearing for the respondents submitted that the email id which is stated in the typed set of papers is not functioning. Moreover, on 07.12.2023, there was a natural calamity and Chennai was surrounded by flood. Therefore, there were no officials to consider the petitioner's claim and the said communication was not properly put up in the file in order to consider the same. Accepting the said explanation this Court is of the considered opinion that not hearing the statutory petition may not amount to contempt. But the same cannot be a reason for denying the petitioner's right of hearing the statutory petition.

3.Therefore, this Court is inclined to close the contempt petition with a



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direction to the respondents to reconsider the petitioner's claim within a period of one week from the date of receipt of a copy of this order. Until then the elected body consisting of 27 members shall be kept in abeyance. The petitioner is directed to appear before the respondent Board on 11.03.2024. The Board is also directed to list the case on 11.03.2024.

4. Hence, the contempt petition is closed with the above direction. The respondents shall strictly adhere to the direction without giving any room for any allegation. No costs. Consequently, connected sub application is closed.

Index : Yes / No
Internet : Yes

06.03.2024
(1/2)

Tmg

Note: Issue order copy on 06.03.2024.



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To

The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Valal Seethakathi Nagar,
Chennai-1.



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S.SRIMATHY, J

Tmg

Order made in
CONT P(MD)No.86 of 2024

06.03.2024
(1/2)