



W.P.(MD)No.7550 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2024

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.7550 of 2024

S.Mohammed Abdul Khadar

... Petitioner

Vs.

1.The Chief Executive Officer,
Tamil Nadu Wakf Board,
Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

2.The Inspector of Wakf,
Ramanathapuram Zone,
No.176/11, 1st Floor,
Therappasayanam Road,
Velipattinam,
Ramanathapuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to return back the petitioner's personal belongings kept in the sealed premises of the 18 Valibargal Dharga Building, Odakkarai Pallivasal Jamath, Keelakkarai, Ramanathapuram, by considering the petitioner's representation dated 10.09.2022.



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For Petitioner : Mr.T.Veerakumar

For Respondents : Mr.D.S.Haroon Rasheed

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus seeking direction against the first respondent to return back the petitioner's personal belongings kept in the sealed premises of 18 Valibargal Dharga Building, Odakkarai Pallivasal Jamath, Keelakkarai, Ramanathapuram, by considering the petitioner's representation dated 10.09.2022.

2. It may be relevant to note that the petitioner had earlier filed a Writ Petition in W.P.(MD)No.12561 of 2022, wherein, this Court, vide order dated 28.06.2022, was pleased to observe that if the petitioner had left any of his personal belongings, he can approach the second respondent with particulars and thereafter, appropriate directions would be given by the second respondent for handing over the petitioner's belongings, if found and available. The relevant portion of the order is extracted hereunder:

“4. ..If the petitioner had left any of his personal belongings, he can approach the second respondent with particulars and thereafter, appropriate directions would be



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given by the second respondent for handing over the petitioner's belongings, if found and available.”

3. It is submitted by the learned counsel for the petitioner that pursuant to the order of this Court, the petitioner has given a representation on 10.09.2022 to the first respondent, wherein, it has been stated that the said room is under lock and seal and he is unable to retrieve his office belongings. Relevant portion of the representation is extracted hereunder:

“இதனால் என்னுடைய அனைத்து அலுவலக பொருள்களும், மேற்படி அறையில் எடுக்க முடியாமல் சிக்கியுள்ளது.”

4. Having received the said representation, the first respondent did not take any action to return back the petitioner's belongings. Hence, the petitioner filed a Contempt Petition in Cont.P.(MD)No.275 of 2023 and this Court vide order dated 03.03.2023 closed the contempt petition with the following observations:

“2. When it was pointed out that the grievance ventilated by the Petitioner would not amount to any violation of the order dated 28.06.2022 in W.P.(MD)No. 12561 of 2022 passed by the Court, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the



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Contempt Petition. He has also made an endorsement to that effect in the court record. However, it is made clear that the Petitioner is not precluded from working out his remedies before the proper forum in the manner recognized by law.”

5. Thereafter, the petitioner submitted another representation on 13.05.2023, followed by yet another representation on 10.07.2023 requesting the respondents to return back his belongings. However, no response was evoked thereof.

6. On reading the representation, it appears that there is no indication with regard to the particulars of the personal belongings of the petitioner. At this stage, it may be relevant to note that the learned Single Judge of this Court vide his order dated 28.06.2022, had clearly stated that the petitioner would approach the second respondent with particulars.

7. At this juncture, the learned counsel for the petitioner would request that the petitioner may be permitted to make a fresh representation with particulars of his belongings. In response, the learned counsel for the respondents would submit that, if any such representation is made, the same



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would be considered and if any of the petitioner's belongings is still found and available, the same would be returned. However, the learned counsel for the respondents would also submit that the petitioner may not have any right over the return of the official belongings.

8. In view of the submissions made on both sides, the petitioner is granted liberty to file a fresh representation with the particulars of his personal belongings within a period of four weeks from the date of receipt of a copy of this order. In the event of such personal belongings found to be available, the same shall be returned to the petitioner within a period of eight weeks from the date of receipt of the said representation.

9. Accordingly, this Writ Petition stands closed. No costs.

06.08.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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To:

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MOHAMMED SHAFFIQ, J.

Nsr

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