



C.M.P.(MD)No.6284 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2024

CORAM:

THE HONOURABLE **MR.JUSTICE R.SURESH KUMAR**

AND

THE HONOURABLE **MR.JUSTICE G.ARUL MURUGAN**

C.M.P.(MD)No.6284 of 2024

in

W.A.(MD)SR.No.27424 of 2024

M.Musthafa Ali

... Petitioner

-Vs-

1.A.Syed Khaja Mueenudeen

2.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Backward Classes / Most Backward Classes
and Minorities Welfare Department,
Fort St.George, Chennai.

3.The District Collector,
Madurai District, Madurai.

4.M.Saboor Mohideen

... Respondents

PRAYER in C.M.P.(MD)No.6284 of 2024: Petition filed under Section 151 of Civil Procedure Code, to grant leave to the petitioner to appeal in W.A. (MD)SR.No.27424 of 2024.



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PRAYER in W.A.(MD)SR.No.27424 of 2024: Petition filed under Clause 15 of Letters Patent, to allow the Writ Appeal and set aside the order dated 21.03.2024 made in W.P.(MD)No.7003 of 2024 on the file of this Court.

For Petitioner : Mr.M.Arjun Varman
For R1 : Mr.M.Mahaboob Athiff,
For Ms.Fathima
For R2 & R3 : Mr.N.Satheesh Kumar,
Additional Government Pleader

ORDER

[Order of the Court was made by *R.SURESH KUMAR, J.*]

This petition has been filed to seek leave as third party appellant to challenge the order passed by the Writ Court dated 21.03.2024 made in W.P.(MD)No.7003 of 2024.

2.By the said order, even though the 1st respondent had challenged G.O.(D)No.71, Backward Classes, Most Backward Classes and Minority Welfare (S1) Department, dated 21.08.2023, under which, the 4th respondent was appointed as a Kazi of the Madurai District only, a clarification had been given by the learned Judge and ultimately, the said Writ Petition was disposed of.



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3.As per the clarification, since there has been no retirement of the tenure of the Kazi of the 1st respondent, unless he removed, he continues as an additional Kazi apart from the 4th respondent, who has been appointed by the said Government Order.

4.As against the said order, if at all there is any grievance, the aggrieved party would be only the 4th respondent. However, he has not come forward before this Court to challenge the said order of the Writ Court dated 21.03.2024.

5.The present petitioner / 3rd party claims to be the President of the Jamath, under whom, both the 1st respondent and the 4th respondent are the members. Therefore, by virtue of the clarification that has been given by the Writ Court dated 21.03.2024, the 1st respondent may interfere with the administration of the Wakf or Jamath headed by the present petitioner.

6.Based on that kind of apprehension, the order passed by the learned Judge dated 21.03.2024 with regard to the clarification that has been given therein, cannot be questioned by the petitioner, as he is not an aggrieved party. Therefore, the present leave sought for by him, cannot be granted by this Court.

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7. Accordingly, this Civil Miscellaneous Petition is dismissed.

Consequently, connected W.A.(MD)SR.No.27424 of 2024 is rejected at SR stage itself. No costs.

[R.S.K., J.] & [G.A.M., J.]
04.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Yuva

To

1. The Principal Secretary,
Government of Tamil Nadu,
Backward Classes / Most Backward Classes
and Minorities Welfare Department,
Fort St. George, Chennai.
2. The District Collector,
Madurai District, Madurai.



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R.SURESH KUMAR, J.

AND

G.ARUL MURUGAN, J.

Yuva

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