



W.P.(MD) No.25391 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.(MD) No.25391 of 2024
and
W.M.P.(MD) Nos.21540 and 21541 of 2024**

S.Saleem

... Petitioner

/vs./

- 1.Chief Executive Officer,
Tamil Nadu Waqf Board,
Jaffar Syrang Street,
Vallalseethakathi Nagar,
Chennai -01.
- 2.The Inspector of Waqf,
O/o. the Superintendent of Waqf,
Madurai Region,
No.1, Townhall Road,
Madurai.
- 3.Nagoor Pitchai
- 4.Ismail Ahamed Jan
- 5.A.Habeeb Rahman



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6.Abuthahir

*(R3 to R6 have been impleaded
vide order dated 14.11.2024)*

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned proceedings of the 1st respondent in R.C.No.11238/24/B8/MDU dated 17.10.2024 and quash the same as illegal.

For Petitioner : Mr.M.Mahaboob Athiff

For R1 & R2 : Mr.D.S.Haroon Rasheed
Standing Counsel

For R3 to R6 : Mr.K.Navaneetharaja

ORDER

The challenge in this writ petition is to the order passed by the first respondent in R.C.No.11238/24/B8/MDU dated 17.10.2024.

2. When the matter was taken up for hearing, the learned counsel for the petitioner had contended that there is no delegation with the first respondent to conduct an enquiry under Section 40 of the Wakf Act, 1995. Even though the learned standing counsel for the respondents had placed on record the delegation



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of powers granted to the first respondent by the Board, the same do not indicate all the powers vested with the Board.

3. When this was pointed out, the learned Standing Counsel appearing on behalf of the respondents, on instructions, would submit that the findings of the first respondent will be placed before the Board for taking appropriate action.

4. Recording the submission of the learned Standing Counsel for the respondents, the writ petition stands disposed of. If such report is placed before the Board, the Board shall hear the petitioner and the respondents before passing any order. The said exercise shall be completed by the Board within a period of 8 weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
Internet : Yes / No
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K.KUMARESH BABU, J.

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