



W.P.(MD)No.28627 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.28627 of 2022
and
W.M.P.(MD).No.22656 of 2022

A.Rafi Ahamed

... Petitioner

Vs

1.The Revenue Divisional Officer,
and Sub-Divisional Magistrate,
Tiruchirappalli, Tiruchirappalli District.

2.The Executive Trustee
Hazarath Thaple Alam Padusha Natarvali Dharga,
50, Madurai Road,
Tiruchirappalli.

... 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 enquiry notice in Na.Ka.A1/ 4675 of 2022 dated 25.11.2022 issued by the first respondent and quash the same.

For Petitioner : Mr.P.Arun Jayatram

For R-1 : Mr.B.Nambiselvan,
Additional Public Prosecutor

For R-2 : No Appearance



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ORDER

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This Writ Petition has been filed seeking to quash the impugned enquiry notice in Na.Ka.A1/ 4675 of 2022 dated 25.11.2022 issued by the first respondent.

2. The learned counsel appearing for the petitioner would submit that the person, viz., one Allahbaksh @ Mohammed Kows made a complaint under Section 133(e) Cr.P.C. against the petitioner before the first respondent, pursuant to which, the first respondent has issued the impugned enquiry notice in Na.Ka.A1/ 4675 of 2022 dated 25.11.2022 to the petitioner. Challenging the same, the present petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the dispute is regard to the Wakf property, for which, the Wakf Board seized upon the matter, even then, the above said Allahbaksh @ Mohammed Kows made a compliant before the first respondent, which is not sustainable in law. He would further submit that already the petitioner produced all the necessary documents before the first respondent and the respondents also issued summons to the petitioner.



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4. At this juncture, the learned counsel appearing for the petitioner would further submit that this Court may issue a direction to the first respondent to conclude the proceedings under Section 133 Cr.P.C. after providing an opportunity to the petitioner as well as the private parties.

5. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the enquiry will be conducted in the manner known to law and appropriate orders will be passed by the first respondent after providing an opportunity to the petitioner.

6. In view of the above, without expressing any opinion on its merits, this Court directs the first respondent to conduct the enquiry under Section 133 Cr.P.C. proceedings after providing an opportunity to the petitioner as well as private parties and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order.



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7. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

15.02.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

1.The Revenue Divisional Officer,
and Sub-Divisional Magistrate,
Tiruchirappalli, Tiruchirappalli District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI, J.

TSG

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