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W.P.No.6299 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

CORAM :

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.6299 of 2025
and W.M.P.Nos.6932 and 6934 of 2025

S.Meeran, S/o A.S.K.Shahul Hameed
President, Thangal Gudubi Jumma Mosque
Managing Committee, 1063 T.H.Road
Thangal Thiruvottiyur, Chennai 600 018.

... Petitioner

-Vs-

The District Revenue Officer / Chief Executive Officer
Tamilnadu Wakf Board
No.1, Jaffer Syrang Street
Vallal Seethakathi Nagar
Chennai-1.

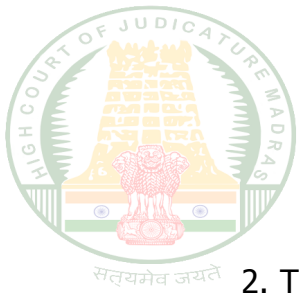
... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the notice of the respondent dated 27.01.2024 in G.S.175/Poovai/Mu.Ka.Aa/2025 and quash the same.

For Petitioner : Mr.I.Kowser Nissar
For Respondent : Mr.R.Abdul Mubeen

ORDER

This writ petition is filed to issue a Writ of Certiorari calling for the notice of the respondent dated 27.01.2024 in G.S.175/Poovai/Mu.Ka.Aa/2025 and quash the same.



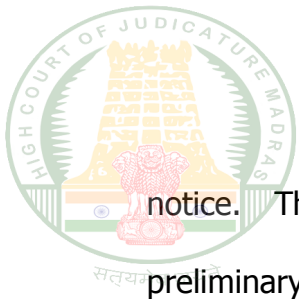
W.P.No.6299 of 2020

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2. The case of the petitioner is that the petitioner is functioning as Mutawalli in respect of Thangal Gudubi Jumma Mosque. The primary contention of the petitioner is that the power to appoint and remove Mutawallis vests only with the Wakf Board under Section 32 of the Act. The Chief Executive Officer has got no jurisdiction whatsoever even to initiate disciplinary proceedings or conduct the disciplinary proceedings unless specifically authorized by the Wakf Board to do so. In the instant case, without any resolution of the Wakf Board or authorization of the Wakf Board, the Chief Executive Officer himself has issued the show cause notice.

3. In similar circumstances, this Court in W.P.(MD) No.10539 of 2018 has held that the very show cause notice itself would be without jurisdiction and allowed the said writ petition and hence the petitioner prays similar relief in this writ petition.

4. When the matter is taken up for admission, Mr.Abdul Mubeen, learned counsel who took notice on behalf of the respondent, by taking this Court to the relevant powers of the Chief Executive Officer as well as the Wakf Board would submit that it is true that it is the Wakf Board which is the ultimate authority to conduct the disciplinary proceedings either by itself or by specifically appointing an enquiry officer, and ultimately remove the Mutawalli in accordance with the provisions of the Act. But, that does not debar the Chief Executive Officer from even issuing a show cause



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notice. The instant show cause notice is akin to a preliminary enquiry or issuing preliminary memo for initially knowing the petitioner's stand so that the same can be placed before the Board for the Board to take a decision to initiate the proceedings further. Therefore, he submits that the entire exercise cannot be thrown out at the threshold.

5. I have considered the rival submissions made on either side and perused the material records of the case.

6. In view of the submission made on behalf of the respondent that the impugned show cause notice by itself would not be treated as the final charges levelled against the petitioner or that by itself would not result in initiation / continuation of proceedings that may result in removal of the Mutawalli, that it is only in the nature of a preliminary enquiry that is being conducted by the first respondent and as and when the petitioner submits his explanation, the first respondent would only form its opinion and place his opinion along with the relevant materials in the form of a report before the Wakf Board and the Wakf Board only will initiate further proceedings, this Court is of the view that the same addresses the grievance expressed by the petitioner and it cannot be stated that even the preliminary enquiry or a fact finding enquiry cannot be conducted by the respondent.



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D.BHARATHA CHAKRAVARTHY, J.

KST

7. In view thereof, the petitioner shall submit an explanation to the show cause notice and it is open to the respondent to submit a report to the Wakf Board, which will take a decision in the manner known to law. It is made clear that if the Wakf Board decides to proceed further, it has to proceed further from the stage of framing of charges against the petitioner. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

26.02.2025

Index : Yes/No
Internet : Yes/No
KST

To

The District Revenue Officer / Chief Executive Officer
Tamilnadu Wakf Board
No.1, Jaffer Syrang Street
Vallal Seethakathi Nagar
Chennai-1.

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