

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2015

CORAM:

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

W.P.NO.24014 OF 2015

and M.P.Nos.1 and 2 of 2015

E.Subedarkhan

.. Petitioner

Vs.

1. The Chairman,  
Tamil Nadu Wakf Board,  
No.1, Jaffer Sherang Street,  
Vallal Seethakathi Nagar,  
Chennai - 600 001,
2. The Chief Executive Officer,  
Tamil Nadu Wakf Board,  
No.1, Jaffer Sherang Street,  
Vallal Seethakathi Nagar,  
Chennai - 600 001,
3. The Superintendent of Wakfs,  
No.12, Claydhar Street,  
Trichy - 2,
4. The Inspector of Wakfs,  
Valikondapuram,  
Veppanthattai Taluk,  
Perambalur District.

सत्यमेव जयते.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking for the relief of issuance of writ of certiorarified mandamus to call for the records in proceedings impugned Order dated 03.03.2015 vide Na.Ka. No.17053/04/Aa5/ Perambalur passed by the 1<sup>st</sup> respondent and quash the same and consequently direct the 1<sup>st</sup> respondent recognize to the petitioner herein as hereditary Muthavalli and management of the Nawab Wallajah Makbira and Mosque Wakf, G.S.No.475/Trichy, situate at Valikondapuram village, Perambalur District.

For Petitioner : Mr.R.Abdul Mubeen

For Respondents: Mr.V.Lakshminarayanan

ORDER

Challenging the order Order dated 03.03.2015 vide Na.Ka. No.17053/04/Aa5/ Perambalur passed by the 1<sup>st</sup> respondent, the present writ petition is filed.

2. When the matter is taken up for hearing, two objections were raised by the learned counsel appearing for the Wakf Board, the first objection is on the availability of alternative remedy to the petitioner under Section 64(1) of Wakf Act, 1995 against the impugned order and the second objection is that the person, viz., L.Jaffer Sadiq, who has been appointed as Muthavalli of Wallajah Makbira and Mosque Wakf in the place of the petitioner, has not been arrayed as a party in this writ petition. Both these objections are sustained. The statement made by the learned counsel for Wakf Board that the impugned order has been given effect to is also recorded.

3. Considering the facts and circumstances of the case and the submissions made by the learned counsel appearing on either side, the writ petition is disposed of giving liberty to the petitioner to file an appeal against the impugned order dated 3.3.2015 passed by the 1<sup>st</sup> respondent within a period of two weeks from the date of receipt of copy of this order. Status quo as on today shall be maintained till such time. As and when the appeal is filed by the petitioner within the time granted by this Court, the Wakf Tribunal shall decide the same on merits without rejecting the same on the ground of limitation. No costs. Consequently, the connected miscellaneous petitions are closed.

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Sd/-  
Assistant Registrar (C.O)

/True Copy/

सत्यमेव जयते

Sub-Assistant Registrar

Copy to:

1. The Chairman,  
Tamil Nadu Wakf Board,  
No.1, Jaffer Sherang Street,  
Vallal Seethakathi Nagar,  
Chennai - 600 001,
2. The Chief Executive Officer,  
Tamil Nadu Wakf Board,  
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Vallal Seethakathi Nagar,  
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3. The Superintendent of Wakfs,  
No.12, Claydhar Street,  
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4. The Inspector of Wakfs,  
Valikondapuram,  
Veppanthattai Taluk,  
Perambalur District.

+1 C.C. To MR.R.Abdul Mubeen, Advocate in SR.NO.55303

W.P.NO.24014 OF 2015

LRS (CO)

sd : 16/10/2015



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