

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.11.2018
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.21434 of 2008
and
M.P.No.1 of 2008

Syed Shafei

... Petitioner

Vs

1.The Tamil Nadu Wakf Board,
Rep.by its Chief Executive Officer,
No.1, Jafar Serang Street,
Chennai - 600 001.

2.The Chief Executive Officer,
The Tamil Nadu Wakf Board,
No.1, Jafar Serang Street,
Chennai - 600 001.

3.The Superintendent of Wakfs Salem,
The Tamil Nadu Wakf Board,
Jamia Masjid,
Tippu Sultan Market,
Old Bus Stand, Salem.

4.A.Nazeer.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to enforce the order of the Wakf Tribunal / Principal Subordinate Judge, Krishnagiri made in W.O.P.1 of 2007, dated 30.6.2008.

For Petitioner : Mr.M.N.S.Mohamed Habeeb Raja
For Respondents : Mr.A.S.Kaizer for R1
Ms.R.Poornima for R2 & R3
Mr.N.A.Nissar Ahmed for R4

ORDER

Heard all and perused the records.

2. The prayer sought for in this writ petition is to issue a mandamus directing the respondents 1 to 3 to enforce the order dated 30.6.2008 passed by the Wakf

Tribunal / Principal Subordinate Judge, Krishnagiri in W.O.P.No.1 of 2007.

3. Admittedly, the order passed by the Wakf Tribunal, which is sought to be enforced by the respondents, is an exparte order. It is now submitted by the learned counsel for the respective respondents that a petition to set aside the said exparte order came to be filed and is pending for consideration.

4. Such being the actual position, this Court is of the view that in the event of the W.O.P.No.1 of 2007, being restored for adjudication on merits, the relief sought for in this writ petition with regard to execution of the aforesaid exparte order, cannot be entertained. Hence, the writ petition deserves to be dismissed and is dismissed. No costs. Connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ms
To

1.The Tamil Nadu Wakf Board,
Rep.by its Chief Executive Officer,
No.1, Jafar Serang Street,
Chennai - 600 001.

2.The Chief Executive Officer,
The Tamil Nadu Wakf Board,
No.1, Jafar Serang Street,
Chennai - 600 001.

3.The Superintendent of Wakfs Salem,
The Tamil Nadu Wakf Board,
Jamia Masjid,
Tippu Sultan Market,
Old Bus Stand, Salem.

Copy to
The Principal Subordinate Judge, Krishnagiri

+1cc to Mr.N.A.Nissar Ahmed , Advocate SR.No. 7963

W.P.No.21434 of 2008
and M.P.No.1 of 2008

A.SK(29/01/2019)