



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 08.06.2018

CORAM:

**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI**

W.A(MD)NO.486 of 2013 and
M.P(MD)No.1 of 2013

1.M.Mahaboob Ali
2.K.Farook

: Appellants/Petitioners

.vs.

1. The Tamil Nadu Wakf Board,
represented by its Chairman,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai- 600 001.
2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.
3. Janab.M.Syed Sathakathullah,
No.16, G.P.Road, Mount Road,
Chennai - 600 002.

: Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order of this Court made in W.P (MD)No.2468 of 2003, dated 22.4.2013.

Prayer in WP(MD)No. 2468/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records relating to the impugned order bearing Inam.No.63/08 Na.Ka.No.9789/05/Aa1/ Ti.Veli. dated 24..06.2008 issued by the 1st respondent and the consequential order bearing Inam. No.63/08 Na.Ka.No.9789/05/Aa1/ Ti.Veli. dated 28.02.2011 issued by the 1st respondent and published in Tamil Nadu Government Gazette No.12 dated 30.03.2011 and quash the same.

For Appellant	: M/s.Antony Arul Raj
For Respondents	: Mr.K.K.Senthil
1 and 2	
For Respondent-3	: Mr.PT.S.Narendravasan

JUDGEMENT

[Judgment of the Court was made by K.RAVICHANDRABAABU,J.]

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The present Writ Appeal is directed against the order passed in the main Writ Petition in W.P(MD)No.2468 of 2013, dated



22.04.2013 in dismissing the same.

2. Heard both sides.

3. The appellants as Writ Petitioners, challenged the proceedings of the Tamil Nadu Wakf Board, dated 24.6.2008 and its consequential order, dated 28.2.2011, wherein and whereby, the Board has decided to frame scheme in respect of two Wakfs. The learned Single Judge dismissed the Writ Petition on the ground that the very same question namely the competency of the Wakf Board to initiate action in framing the scheme is pending before the Wakf Tribunal (The Principal Sub-Court, Tirunelveli), Tirunelveli in A.S.No.13 of 2012, at the instance of another person. Therefore, the learned Single Judge after noticing that the competent Wakf Tribunal has seized of the matter, dismissed the Writ Petition, as the Petitioners have an alternative remedy before the Wakf Tribunal. The learned Judge has also given liberty to the Petitioners to file an appeal or to implead themselves as parties in the pending proceedings in A.S.No.13 of 2012.

4. When this Writ Appeal was taken up for hearing earlier on 17.4.2018, the learned counsel for the third respondent sought time to verify with regard to the present stage of the appeal filed before the Tribunal. Today, when the matter is taken up for further hearing, the learned counsel for the third respondent however is not in a position to inform this Court about the present stage of the appeal filed before the Tribunal. In any event, this Court is not inclined to adjourn the matter any further, in view of the fact that the Writ Court has dismissed the Writ Petition only on the ground that the Writ Petitioners are having an effective alternative remedy before the Wakf Tribunal, where already the same question, as raised by the Petitioners, is already raised and pending in A.S.No.13 of 2012 before the Tribunal, filed by another person. When such being the findings rendered by the learned Single Judge, We do not find any reason to interfere with the order made in the Writ Petition.

5. Accordingly, the Writ Appeal fails and stands dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

+ 1 CC TO Mr.T.ANTONY ARUL RAJ, ADVOCATE IN SR No. 67751

+ 1 CC TO Mr.K.K.SENTHIL, ADVOCATE IN SR No. 67518

VSN

TE/SKN-RSK/SAR-1 : 18/06/2018 : 2P/3C

JUDGEMENT MADE IN
W.A(MD)NO.486 of 2013 and
M.P(MD)No.1 of 2013
08.06.2018