

**THE HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN**  
**AND**  
**THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN**

**WRIT APPEAL No.908 of 2018**

**JUDGMENT:** (Per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)

We have heard the learned counsel for the appellants, who are writ petitioners.

2. The appellants challenged the decision of the Chief Executive Officer of the Wakf Board, which resulted in execution of a cancellation deed.

3. Under challenge is a matter which squarely falls within the jurisdiction of the Wakf Tribunal constituted under Section 83 of the Wakf Act, 1995. That Tribunal is deemed to be a civil Court and has comprehensive jurisdiction to adjudicate on all such issues. That is an efficacious alternative remedy in all the matters relating to wakf property. There is no reason for jumping that jurisdiction and clinging on the pedestal of the High Court to seek relief under Article 226 of the Constitution of India. Even if a case of breach of procedure by the Wakf Board or the Chief Executive Officer, including a breach of rule of hearing, is attempted to be made out; all such matters are available to be raised and which can fall for consideration before the Wakf Tribunal. Hence, we do not find any reason to interfere with the decision of the learned single Judge which stands on different reasons.

We, therefore, order this Writ Appeal without interfering with the decision of the learned single Judge, however, clarifying that, if the writ petitioners/appellants move the Wakf Tribunal, such matter will be decided untrammelled by anything stated in the order of the learned single Judge or from this judgment.

The Writ Appeal is, accordingly, ordered. The miscellaneous petitions pending in this Writ Appeal, if any, shall stand closed. There shall be no order as to costs.



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**THOTTATHIL B. RADHAKRISHNAN, CJ**

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**RAMESH RANGANATHAN, J**

13.07.2018  
vs/pln