

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.28056 of 2004
and W.P.M.P.No.34086 of 2004

K.Balakrishnan

... Petitioner

Vs.

1. The Sub-Divisional Magistrate-cum
Revenue Divisional Officer, Coonoor.
2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
Chennai.
3. The Secretary and the Executive Officer,
S.M.Zackaria Sait Maternity Hospital
Chariy and Safurbai Charity,
Coonoor.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from interfering into the peaceful possession and enjoyment of the Petitioner land and building found in Survey Nos.655, Coonoor Village and found in Door No.171, Vinayagar Koil Street, Wannarapettai, Coonoor, Nilgiris District except without following the due process of law.

For Petitioner : M/s.S.T.P.Kuilmozhi

For Respondents : Mr.S.Suresh Kumar, G.A., for R1
Ms.Sripriya
for Mr.V.Ragavachari, for R2
No Appearance, for R3

O R D E R

The learned counsel for the petitioner, on instructions, seeks permission of this Court to withdraw the above writ petition with a liberty to work out the remedy under the provisions of the Wakf Act, 1995 and also placed reliance upon the judgment reported in 2005 [2] LW 676 (I.Salam Khan and others vs. The Tamil Nadu Wakf Board, rep. by its Chairman, 3, Santhome High Road, Chennai 4 and others).

2. I have given careful consideration to the submissions made by the respective counsels and perused the materials placed before this Court.

3. Since the petitioner is having an effective alternative remedy, he is at liberty to work out his remedy under the provisions of the Wakf Act, 1995, if he is so advised.

4. The writ petition stands disposed of with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

pvs

To

1. The Sub-Divisional Magistrate-cum
Revenue Divisional Officer, Coonoor.
2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
Chennai.
3. The Secretary and the Executive Officer,
S.M.Zackaria Sait Maternity Hospital
Chariy and Safurbai Charity,
Coonoor.

+1 CC to Mr.V.Ragavachari, Advocate sr 25654.

+1 CC to Govt. Pleader sr 26320.

सत्यमेव जयते

W.P.No.28056 of 2004

LN(CO)
SP(03/05/2019)

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