

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2019

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. No. 3705 of 2019

and

W.M.P. Nos. 4085, 4086 and 4088 of 2019

The Aminjikarai Muslim Welfare Society,
A Society Registered under the Tamil Nadu
Societies Registration Act, 1975
(Registration SL. No. 139/2017),
Represented by its President Janab R.S. Hussain,
New No. 23, Old No. 4/1,
St. George Convent Street,
Shenoy Nagar,
Chennai - 600 030. ... Petitioner

-Vs-

1. The Tamil Nadu Wakf Board,
Represented by the Chief Executive Officer,
No. 1, Jaffer Syrang Street,
Vallal Seethakkathi Nagar,
Chennai - 600 001.
2. Younis Basha
3. G. Imtiaz Ahmed
4. Mohammed Sirajudeen
5. Mohammed Hameed Basha
6. H. Deen Mohammed
7. Mohammed Abdul Samad

8. Kadhar Sheriff ... Respondents
(Respondents 2 to 8 are
impleaded as per order 15.02.2019
made in WMP.No5140/19 in WP.NO.3705/19)

Prayer : Writ Petition filed under Article 226 of the
Constitution of India, praying to issue a Writ of
Certiorarified Mandamus, calling for the records relating
to the order dated 11.01.2019 vide proceedings in
Se.Mu.Order No. 8522/86/Aa9/Chennai passed by the
Respondent and quash the same and direct the Respondent to
constitute a new Committee for managing the affairs of the
Aminjikarai Mosque forthwith.

For Petitioner : Mr. A.S. Vijaya Raghavan
For Respondents : Mr. Mohammed Fayaz Ali for R1
Mr. Nissar Ahamed for R8
No appearance for R2 to R7

O R D E R

When it is pointed out by the Learned Counsel appearing for the First Respondent that the Petitioner has got an effective alternative remedy under Section 83 of the Waqf Act, 1995, to challenge the impugned order and other consequential reliefs, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to resort to the same and has made an endorsement to that effect, which is recorded.

2. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. The time spent by the Petitioner in prosecuting this Writ Petition from the date of its filing (04.02.2019) till the date on which certified copy of this order is made ready in the Registry, shall stand excluded while calculating the period of limitation for making application before the Waqf Tribunal. It is needless to add here that if such an application is made and is otherwise in order, the Waqf Tribunal after affording full opportunity of hearing to the parties concerned in consonance with the principles of natural justice and the prescribed procedure shall consider the each of the contentions raised by them in such application and pass a reasoned order on merits in accordance with law and communicate the decision taken to them. Consequently, connected Miscellaneous Petitions are also closed. No costs.

Sd/-

Assistant Registrar(insp cell)

//True Copy//सत्यमेव जयते

Sub Assistant Registrar

vji

To

The Chief Executive Officer, Tamil Nadu Wakf Board,
No. 1, Jaffer Syrang Street,
Vallal Seethakkathi Nagar, Chennai - 600 001.

+1cc to Mr.A.S.Vijaya Raghavan , Advocate SR.No. 66221

+1cc to Mr.N.A.Nissar Ahamed , Advocate SR.No. 66492

W.P. No. 3705 of 2019
and

W.M.P. Nos. 4085, 4086 and 4088 of 2019

A.SK(19/08/2019)