

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2019

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.7028 of 2019
and WMP No.7743 of 2019

I.S.Imtiyaz Shariff
Zonal Secretary,
Tamil Nadu Dargha's Coordinate Peravai,
Chennai Zone ... Petitioner

vs.

1. The Principal Secretary,
Department of Backward Classes and Minority Welfare,
Fort St. George,
Chennai.

2. Tamilnadu Wakf Board,
Represented by its
Chairman,
Vallal Seethakkathi Nagar, सत्यमेव जयते
Chennai - 600 001.

3. Tamilnadu Wakf Board,
Represented by its
Chief Executive Officer,
Vallal Seethakkathi Nagar,
Chennai - 600 001. ... Respondents

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, forbearing the respondents from proceeding with the tender notification dated 06.02.2019 issued by the third respondent under proceeding R.C.No.4592/07/B9 Chennai for leasing

out the Bachawali Mossque Waqf situated at 13/6, Papanasam Sivan Salai, Mylapore, comprised in Survey No.2390 with an extent of 13,500 sq.ft based on the representation dated 16.02.2019 given by the petitioner.

For Petitioner : Mr.C.D.Sugumar

For Respondents : Mr.E.Manoharan (for R1)
Additional Government Pleader

ORDER

(Order of the Court was made by S.MANIKUMAR, J)

Contending inter alia that the property situated at No. 13/6, Papanasam Sivan Salai, Mylapore, comprised in Survey No.2390 with an extent of 13,500 sq.ft, is a Dharga and that the same should not be used for any commercial purpose, petitioner seemed to have made a representation dated 16.02.2019 to the Principal Secretary, Department of Backward Classes and Minority Welfare, Chennai, Tamil Nadu Wakf Board, represented by its Chairman, Chennai and the Chief Executive Officer, Tamil Nadu Wakf Board, Chennai.

2. Petitioner has contended that tender notification dated 06.02.2019 issued by the Tamil Nadu Wakf Board fixing opening of the tender on 11.02.2019 is illegal and contrary to the intention of the wakf.

3. Petitioner has only made averments that no further action has been taken on the tender notification and thus, sought for writ of

mandamus. Petitioner has not ascertained from the Tamil Nadu Wakf Board and furnished any materials, for the above said statement. In the event of tender being finalized, certainly, the highest bidder would be affected, if any, mandamus is issued, at this stage.

4. When the above were put on notice to the learned counsel for the petitioner, he seeks permission to withdraw the instant writ petition and seeks liberty to file a fresh writ petition containing all the averments as pointed out. He has also made an endorsement to that effect.

5. Permission is granted to withdraw the writ petition. Liberty, as prayed for, is granted. Writ petition is dismissed as withdrawn. No Costs. Consequently, the connected writ miscellaneous petition is closed.

(S.M.K., J.) (S.P., J.)
12.03.2019

Index: Yes/No.

Internet: Yes

Speaking/Non speaking

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S.MANIKUMAR,J.
AND
SUBRAMONIUM PRASAD, J.

ars

To

1. The Principal Secretary,
Department of Backward Classes and Minority Welfare,
Fort St. George,
Chennai.

2. The Chairman,
Tamilnadu Wakf Board,
Vallal Seethakkathi Nagar,
Chennai - 600 001.

3. The Chief Executive Officer,
Tamilnadu Wakf Board,
Vallal Seethakkathi Nagar,
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