

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2019

CORAM

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.26747 of 2016
and
W.M.P.No.24480 of 2016

The Tamil Nadu Wakf Board,
Represented by its CEO,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

... Petitioner

Versus

1. The State of Tamil Nadu
Represented by its Secretary,
Backward Classes and Most Backward
Classes and Minority Welfare Department,
Fort St. George,
Chennai - 600 001.

2. The Presiding Officer,
Wakf Tribunal Chennai,
(1st Assistant City Civil Court),
Chennai - 600 104.

3. B.Nawaz

... Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 2nd respondent to exercise its powers only as provided under Section 83 of the Wakf Act, 1995 and as per G.O.Ms.No.458 dated 24.10.1997 and to consequently return the O.A.No.3 of 2016 pending on its file to the 2nd respondent to be presented before the appropriate forum having jurisdiction.

For Petitioner : Ms.M.Ashadevi
for M/s.Abitha Banu

For R1 : Mr.N.Inbanathan,
Additional Government Pleader

For R3 : No appearance

O R D E R

This Writ Petition has been filed seeking a direction to the second respondent to exercise its powers only as provided under Section 83 of the Wakf Act, 1995 and as per G.O.Ms.No.458 dated 24.10.1997 and to consequently return the O.A.No.3 of 2016 pending on its file to the third respondent to be presented before the appropriate forum having jurisdiction.

2. Heard, the learned counsel appearing on both sides.

3. In view of the Notification No.1/2018 dated 20.08.2018 passed in Rc.No.1/Notification/WT/2018 constituting the Wakf Tribunal, which assumes jurisdiction for the entire State with respect to any dispute pertaining to any Wakf property, eviction of a tenant etc., it is open to the petitioner to approach the Wakf Tribunal in this regard.

4. With the above observations, the Writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Secretary,
Backward Classes and Most Backward
Classes and Minority Welfare Department,
Fort St. George, Chennai - 600 001.

2. The Presiding Officer,
Wakf Tribunal Chennai,
(I Assistant City Civil Court),
Chennai - 600 104.

+1cc to the Government Pleader, S.R.No.17662

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and

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LN(CO)
CS/01/04/2019