

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2019

CORAM

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

WP. No. 284 of 2018

and

WMP. Nos. 338 and 339 of 2018

M.T.Sirajudeen

..Petitioner

Vs.

1.The Chief Executive Officer

Tamil Nadu Wakf Board

Mannady, Chennai 1.

2.The Wakf Superintendent

Cuddalore Zone

No.512, Gandhi Road

Penrutti, Cuddalore 607 106.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to Na.Ka.No.231/The.A/W.B/Cud.Reg/2017 dated 19.12.2017 on the file of the Second Respondent and quash the same and permit the Petitioner to serve as Secretary of the Jimna Pallivasal till 08.05.2018.

For Petitioner : Mr. B.Manoharan

For Respondents : Mr. V.Raghavachari

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 Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty.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 (04.01.2018) 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//

Sub Assistant Registrar

To

1.The Chief Executive Officer
Tamil Nadu Wakf Board
Mannady, Chennai 1.

2.The Wakf Superintendent
Cuddalore Zone
No.512, Gandhi Road
Penrutti, Cuddalore 607 106.

+lcc to Mr. V.Raghavachari, Advocate sr.63143

WP. No. 284 of 2018

mr(co)
nr 27/08/2019

सत्यमेव जयते

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