

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.27867/2019
& WMP.Nos.27435 & 27437/2019

K.Fazlur Rahman .. Petitioner
Versus

1.The Secretary to Government
Backward Class, Most Backward Class
and Minority Welfare [T1] Department
Secretariat, Chennai 600 009.

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

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the records pertaining to Letter No.4451/T1/2019-02 dated 06.09.2019 on the file of the 1st respondent, quash the same and consequently direct the respondents commanding them to take appropriate actions to ensure proper functioning of Tamil Nadu Waqf Board as per Waqt Act, 1995 [Amended Act 27 of 2013] for better administration of auqaf and for matters connected therewith or incidental thereto.

For Petitioner : Mr.Abrar Md. Abdullah for
A.Anbukkarasi

For R1 : Mr.A.N.Thambidurai, Spl.GP

For R2 : Mr.V.Lakshmi Narayanan

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

(1)The petitioner claims to be a Public Interest Litigant and he challenges the impugned show cause notice dated 06.09.2019 issued by the 1st respondent.

- (2) When the matter is listed today for hearing, Mr.A.N.Thambidurai, learned Special Government Pleader who appears on behalf of the 1st respondent and Mr.V.Lakshmi Narayanan, learned Standing counsel, who appears on behalf of the 2nd respondent, had brought to the knowledge of this Court that the 1st respondent, vide G.O.Ms.No.58, Backward Class, Most Backward Class and Minority Welfare [T1] Department dated 18.09.2019, has superseded the Wakf Board and appointed Mr.M.A.Siddique, IAS., Principal Secretary to Government [Expenditure], Finance Department, as the Special Officer, to exercise and perform all the powers and duties under the provisions of the Wakt Act, 1955 on behalf of the Tamil Nadu Wakf Board during the period of Supersession and therefore, made a submission that in the light of the said development, nothing remains for further adjudication in this writ petition.
- (3) Mr.Abrar Md. Abdullah, learned counsel appearing for the petitioner, in response to the said submission, seeks the leave of this Court to withdraw this writ petition with liberty to challenge the said Government Order in G.O.Ms.No.58, of the 1st respondent dated 18.09.2019 and on instructions, also made an endorsement in the petition and it is opposed by the learned Standing Counsel appearing for the 2nd respondent / Wakf Board by submitting that admittedly, the Public Interest Litigant is not a member of the Wakf Board and as such, he cannot be the person aggrieved to challenge the said Government Order.
- (4) In view of the endorsement made by the learned counsel for the petitioner, this writ petition is dismissed as withdrawn and if the petitioner is so advised and if it is open to him under law, he is always at liberty to challenge the said Government Order in accordance with law before the competent Forum. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The Secretary to Government
Backward Class, Most Backward Class
and Minority Welfare [T1] Department
Secretariat, Chennai 600 009.

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

+1cc to the Government Pleader, S.R.No. 81193

WP.No.27867/2019

VBA (CO)
GN (01/11/2019)



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