

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2019

CORAM

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

W.P. No. 31074 of 2019

and

W.M.P. Nos. 31192 and 31194 of 2019

A. Abubacker

... Petitioner

-Vs-

1. The Chief Executive Officer
Tamil Nadu Wakf Board
No.1, Jaffer Syrang Street
Valla Seethakathi Nagar
Chennai - 1.

2. The Election Officer
Superintendent of Wakfs Coimbatore Zone
Office of Superintendent of Wakfs
No.14-15, Avinashi Road
Uppilipalayam, Coimbatore.

... Respondents

Petition filed under Article 226 of the Constitution of India for issuing a Writ of Certiorarified Mandamus, calling for the records of the Second Respondent ending with Na. Ka. G.S. No. 211/Erode/Va.Ka./The.A.K.Kovai/2019 dated 31.10.2019 and quash the same and consequently, direct the Second Respondent to receive the nomination of the petitioner and permit him to contest elections.

For Petitioner : Mr. N.A. Nissar Ahmed

For Respondents : Mr. S. Hajamohideen Gisthi

ORDER

When it is pointed out by the Learned Counsel appearing for the Respondents that the Petitioner has got an effective alternative remedy under Section 83 of the Waqf Act, 1995, to seek the relief sought in this Writ Petition, Learned Counsel for the Petitioner seeks permission of this Court to withdraw this Writ Petition with liberty to resort to the same and he has made an endorsement to that effect, which is recorded.

2. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. It is made clear that if the Petitioner files such application before the Waqf Tribunal raising dispute relating to the election in Waqf, the result of the impugned election would be subject to the outcome of the orders to be passed in those proceedings, which shall also be mentioned by the Respondents in the election proceedings. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Executive Engineer,
Chennai Central Division-I
Government of India,
Central Public Works Department,
Shastri Bhavan, 26, Haddows Road,
Nungambakkam, Chennai-600 006.

2.The Assistant Executive Engineer,
Chennai Central Division-I
Government of India,
Central Public Works Department,
Shastri Bhavan,
26, Haddows Road,
Nungambakkam, Chennai-600 006

Copy to : The Section Officer, E.R.Section,
High Court of Madras, Chennai -104.
(Return the impugned order after
returning a Copy)

+1 cc to M/s.N.A.Nissar Ahamed, Advocate Sr.No. 91082
+1 cc to Mr.S.Haja Mohideen Gisthi, Advocate SR.No.91073

AKM/05.11.19/2P-6C /

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