



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) No.10614 of 2021

and

W.M.P (MD) .Nos.8267 and 8284 of 2021

WEB COPY

1. Janab A.S.Ahamed Jaleel
2. Janab. S.Ahamed Haza
3. Janab.M.Anwardeen
4. Janab.A.K.Ahamed Rafeek

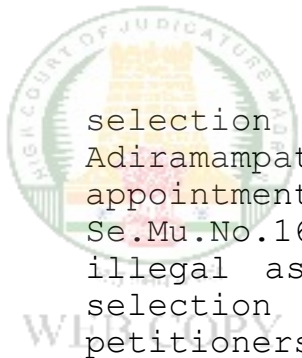
.. Petitioners

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Backward Classes and Most Backward
Classes,
Minority Welfare Department,
Fort St.George, Chennai - 600 009.
2. The Tamil Nadu Wakf Board,
Rep. by its Chairman,
No.1, jaffer Sironng Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.
3. The Chief Executive Officer,
The Tamil Nadu Wakf Board,
No.1, jaffer Sironng Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.
4. Janab F.Afsar
5. Janab.B.Sahabudeen
6. Janab.M.Abdul Hadi
7. Janab.Q.M.Ansari
8. Janab.S.Mohamed Meera Sahif
9. Janab.H.Mohamed John
10. Janab.A.Sahabudeen
11. Janab.Nizamudeen
12. Janab.Ahamed Anas

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorarified Mandamus, to call for the records on the file of the first respondent order regarding



selection of member of Trust Board 2021-2024 for M.K.N.Trust, Adiramampattinam, Thanjavur District dated 23.02.2021 and consequent appointment order passed by the second respondent vide Se.Mu.No.16567/12/Aa7/thanjai dated 26.02.2021 quash the same as illegal as devoid of merits and direct the respondents to redo selection process after providing reasonable opportunities to petitioners, by following the due process of law.

For Petitioners : Mr.Raja Karthikeyan

For respondents : Mr.R.Baskaran,
Government Counsel for R1
Mr.Mohideen Basha for R2,R3

ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

We have heard Mr.Raja Karthikeyan, learned counsel appearing for the petitioners; Mr.R.Baskaran, learned Government Counsel appearing for the first respondent and Mr.Mohideen Basha, learned counsel appearing for the respondents 2 and 3.

2. The prayer sought for in the writ petition is for issuance of a Writ of Certiorarified Mandamus to quash the selection of the members to the Trust Board of the M.K.N.Trust, Adiramapattinam, Thanjavur District, for the year 2021-2024.

3. Admittedly, the petitioners have got an efficacious alternate remedy under the provisions of the Wakf Act, 1995 and the validity of such appointment if at all to be questioned is before a different Forum and not by way of the writ petition filed under Article 226 of the Constitution of India.

4. Hence, the **writ petition is dismissed as not maintainable.** However, we make it clear that we have not gone into the merits of the contentions advanced by the learned counsel appearing for the petitioners as well as the respondents-Trust and we leave it open all issues to be agitated by the appellant before the appropriate Forum, if so advised. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Secretary,
State of Tamil Nadu,
Backward Classes and Most Backward
Classes,
Minority Welfare Department,
Fort St.George, Chennai - 600 009.
2. The Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffer Sirong Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.
3. The Chief Executive Officer,
The Tamil Nadu Wakf Board,
No.1, Jaffer Sirong Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

+1CC to Mr.Mohideen Basha, Advocate, SR.No.20613 dated 30.06.2021

W.P. (MD) No.10614 of 2021
28.06.2021

KB(06.07.2021) 3P 5C