



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13393 of 2022

Haji V.S.N.Mohamed Atham

...Petitioner

Vs.

Tamil Nadu Wakf Board,
Rep. by Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 1.

...Respondent

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondent herein to forthwith assume management of the Mohiadeen Andavarkal Pallivasal @ Muhyidhdheen Andavarkal Pallivasal Oor Uravinmurai Jamath, Kodikkalpalayam, Tiruvarur, as tenure of the Managing Committee has expired on 22.10.2021, till such time the elections are conducted to the wakf in accordance with law as sought vide representation dated 04.05.2022.

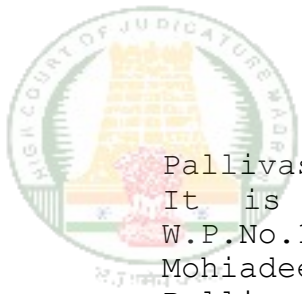
For Petitioner : Mr.N.A.Nassir Hussain

For Respondent : Mr.S.Haja Mohideen Gisthi

O R D E R

The relief sought for by the writ petitioner is that the respondent has to forthwith assume the management of Mohiadeen Andavarkal Pallivasal @ Muhyidhdheen Andavarkal Pallivasal Oor Uravinmurai Jamath, Kodikkalpalayam, Tiruvarur, as the tenure of the Managing Committee has expired on 22.10.2021 and till such time the elections are conducted to the Waqf in accordance with law.

2. The grievance of the writ petitioner is that the elections are yet to be conducted to the Waqf in accordance with law, therefore, till such time the elections are conducted, direction has to be issued forthwith to assume the management of the Mohiadeen Andavarkal Pallivasal @ Muhyidhdheen Andavarkal



Pallivasal Oor Uravinmurai Jamath, Kodikkalpalayam, Tiruvarur. It is not in dispute that one Mr.Thajul Hussain, filed W.P.No.141 of 2022, seeking a direction to conduct elections to Mohiadeen Andavarkal Pallivasal @ Muhyidhdheen Andavarkal Pallivasal Oor Uravinmurai Jamath, Kodikkalpalayam, Tiruvarur and this Court passed an order on 28.02.2022, in W.P.No.141 of 2022, directing the authorities to conduct elections as expeditiously as possible. However, the elections are yet to be conducted.

3. The learned counsel appearing on behalf of the respondent / Waqf Board raised objections by stating that the very same writ petitioner V.S.N.Mohamed Atham, filed O.A.No.102 of 2021, before the Tamil Nadu Waqf Tribunal, Chennai for a similar relief to direct the respondents 1 and 2 therein to forthwith conduct elections to Mohiadeen Andavarkal Pallivasal @ Muhyidhdheen Andavarkal Pallivasal Oor Uravinmurai Jamath, Kodikkalpalayam, Tiruvarur and further sought for an order of injunction restraining the respondents 3 to 5 therein from in any manner proceed with the election schedule fixed on 07.11.2021. When the petition filed by the writ petitioner herein is pending for adjudication before the Tamil Nadu Waqf Tribunal, Chennai and the date of adjudication is fixed on 23.06.2022, there is no reason whatsoever to file the present writ petition. This writ petition itself has been filed with some motive and therefore it is liable to be rejected.

4. It is brought to the notice of this Court that pendency of the Original Application in O.A.No.102 of 2021, filed by the writ petitioner has not been stated in the sworn affidavit filed by the writ petitioner and the learned counsel appearing for the respondent / Waqf Board has brought it to the notice of this Court. The writ petitioner is expected to state these facts before this Court. The learned counsel appearing for the petitioner made a submission that the relief sought for in the Original Application before the Tamil Nadu Waqf Tribunal is of a different nature and therefore the relief sought for in the writ petition is to be considered.

5. Perusal of the copy of the Original Application as well as the affidavit filed in the present writ petition reveals that the issues are one and the same and connected with Mohiadeen Andavarkal Pallivasal @ Muhyidhdheen Andavarkal Pallivasal Oor Uravinmurai Jamath, Kodikkalpalayam, Tiruvarur. Therefore, all such issues are to be adjudicated before the Tamil Nadu Waqf Tribunal for effective adjudication and to resolve the issues. Multiplicity of proceedings would result in further confusion and therefore the parties are at liberty to adjudicate all the issues before the Tamil Nadu Waqf Tribunal. Filing of such writ petition during the pendency of the original application before



the Tamil Nadu Waqf Tribunal on the same issue, at no circumstances be encouraged by the High Court as this will lead to complication. Once the parties have approached the Forum, now without waiting for the final orders from such Forum and filing writ petition in order to take undue advantage would cause prejudice to the interest of the parties. This being the facts and circumstances, the writ petitioner is at liberty to adjudicate all the issues before the Tamil Nadu Waqf Tribunal and accordingly the writ petition stands disposed of. No costs.

-s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

kk/drm

To

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

+1cc to M/s.N.A.Nissar Ahmed, Advocate, S.R.No.31750

+1cc to M/s.S.Haja Mohideen, Advocate, S.R.No.31729

W.P.No.13393 of 2022

AJS (CO)
RN(30/05/2022)