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W.P. No. 17578 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

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

**W.P. No. 17578 of 2022
and
W.M.P. Nos. 16852 and 16853 of 2022**

M.A.Zaheer Ahmed

... Petitioner

-VS-

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

2. The Executive Officer/ Superintendent of Wakfs,
Vellore Zone,
Vellore.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for records of the Second Respondent dated 01.07.2022 ending with Na.Ka.Gs/NS No. 288-267/Va.Ka.Vellore/2022 and quash the same and consequently direct the Respondent to constitute a managing committee to the Poora Mosque @ Madras-e-Ahmadia Market Mosque, Thirupathur Taluk and town, Thirupathur District wakf.

For Petitioner : Mr. N.A.Nissar Ahmed

For Respondents : Mr. C.Shankar,
Standing Counsel



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ORDER

Heard Mr. N.A.Nissar Ahmed, Learned Counsel for the Petitioner, Mr. C.Shankar, Learned Standing Counsel appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition challenges the order in Na. Ka. GS/NS. No. 288-267/ Va.Ka.Vellore/2022 dated 01.07.2022 passed by the Second Respondent.

3. It has been brought to notice that the impugned order is only a consequential proceeding to the special resolution item no. 020 dated 29.06.2022 passed by the Tamil Nadu Waqf Board to take over the management of the Anjuman E Islamiah Labbai Pura Mosque, Burial Ground Market Mosque and Idgha, Tirupattur District in the exercise of powers under Section 65(1) of the Waqf Act, 1995 (hereinafter referred to as 'the Act' for short), which has been published on 03.08.2022 in the Official Gazette, and there is an effective alternative remedy to challenge the same in an application under Section 65(2) of the Act before the State Government. In such circumstances, Learned Counsel for the Petitioner seeks permission of the Court



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to withdraw the Writ Petition with liberty to the Petitioner to resort to the aforesaid procedure and he has made an endorsement to that effect in the court record.

4. Since this Court at the time of admission of the Writ Petition on 08.07.2022 had directed the parties to maintain *status quo* before the special resolution passed by the Waqf Board was published by the Official Gazette, it shall continue to be in force till 15.12.2022 so that the Petitioner could file the application before the State Government and seek necessary interim orders in the meanwhile. It is made clear that for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of filing of the Writ Petition, viz., 04.07.2022, till the date on which the certified copy of this order is made ready by the Registry, shall be excluded. It is needless to add here that the State Government is not precluded from passing any order, interim or final, as may be deem fit and proper in the said application after hearing the concerned parties following the prescribed procedure and that no view has been expressed by this Court on the merits of the controversy in that regard.



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In fine, the Writ Petition is dismissed as withdrawn granting such liberty.

Consequently, the connected Miscellaneous Petitions are closed. No costs.

19.10.2022

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Index: Yes/No

Note: Issue order copy by 22.11.2022.

To

1. Tamil Nadu Wakf Board,
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2. The Executive Officer/ Superintendent of Wakfs,
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P.D. AUDIKESAVALU, J.

skr

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