



WEB COPY



W.P. No. 22283 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2022

CORAM

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

W.P. No. 22283 of 2021

and

W.M.P. Nos. 23501, 53503 and 23504 of 2021

1. Fazal Mohammed

2. Misbah Bathool

3. Rahila Bathool

... Petitioners

-VS-

1. The Chairman,
Tamil Nadu Waqf Board,
No.1, Jaffar Sarang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

2. The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffar Sarang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

3. Syed Mazheruddin

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, to call for the records relating to the proceeding of the First Respondent Board relating to the impugned order R.C. No. 10025/09/B9/Chennai dated 05.03.2019 and quash the same.



WEB COPY



W.P. No. 22283 of 2021

For Petitioners : Mr. Murugesh Kasivel
For Respondents : Mr.S.Haja Mohideen Gisthi
(for R1 & R2)
Mr. N.A.Nissar Ahamed
(for R3)

ORDER

Heard Mr. Murugesh Kasivel, Learned Counsel for the Petitioners, Mr. Haja Mohideen Gisthi, Learned Counsel for the First and Second Respondents and Mr. N.A.Nissar Ahmed, Learned counsel for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. When it was pointed out that the Petitioners have got an effective alternative remedy to challenge the Order in R.C. No. 10025/09/B9/Chennai dated 05.03.2019 passed by the First Respondent, which is impugned in this Writ Petition, by filing an application under Section 83 of the Waqf Act, 1995, before the Tamil Nadu Waqf Tribunal, Learned Counsel for the Petitioners seeks permission of the Court to withdraw the Writ Petition with liberty to resort to the aforesaid procedure and he has made an endorsement to that effect in the court record.



W.P. No. 22283 of 2021

WEB COPY

In view of the same, the Writ Petition is dismissed as withdrawn, granting such liberty. 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., 14.09.2021, till the date on which the certified copy of this order is made ready by the Registry, shall be excluded. Consequently, the connected Miscellaneous Petitions are closed. No costs.

17.10.2022

kv

Index: Yes/No

Note: Issue order copy by 03.11.2022.

To

1. The Chairman,
Tamil Nadu Waqf Board,
No.1, Jaffar Sarang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.
2. The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffar Sarang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.



WEB COPY



W.P. No. 22283 of 2021

P.D. AUDIKESAVALU, J.

kv

W.P. No. 22283 of 2021

17.10.2022