



WEB COPY



W.P. No. 19910 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2022

CORAM

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

W.P. No. 19910 of 2022

and

W.M.P. Nos. 19211, 19212 and 19214 of 2022

Z.Anwar Basha

... Petitioner

-VS-

1. Tamil Nadu Wakf Board,
Rep. by its Chairman,
No. 1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai -1.

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

3. A.J.Mohamed Iqbal

4. S.Liaqat Ali

5. A.S.Sheik Ahamed

6. J.Sheik Nazeer

7. A.J.Mohamed Fasil

8. I. Basheer Ahmed

9. J.P.Jani

10. Jumma Pallivasal Waqf

... Respondents



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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 in Se.Mu.Order.8878/AA10/2007/Villupuram dated 18.07.2022 pursuant to the resolution No. 024 dated 12.07.2022 and thereby quash the same as illegal, ultravires and arbitrary.

For Petitioners : Mr. A.Ajimath Begum

For Respondents : Mr. Haja Mohideen Gisthi
(For R1 and R2)

Mr. S.Thanka Sivan (for R3 to R5)

Mr. A.Mohamed Ismail (for R6 to R8)

Mr. N.A.Nissar Ahmed (for R9)

ORDER

Heard Mr. A.Ajimath Begum, Learned Counsel for the Petitioners, Mr. Haja Mohideen Gisthi, Learned Counsel for the First and Second Respondents, Mr. S.Thanka Sivan, Learned Counsel for the Third to Fifth Repspondents, Mr. A.Mohamed Ismail, Learned Counsel for the Sixth to Eighth Respondents and Mr. N.A.Nissar Ahmed, Learned counsel for the Ninth Respondent and perused the materials placed on record, apart from the pleadings of the parties.



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2. When it was pointed out that the Petitioners have got an effective alternative remedy to challenge the Order in Se. Mu. Order. 8878/AA10/2007/Villupuram dated 18.07.2022 passed by the Second 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 she has made an endorsement to that effect in the court record.

In view of the same, the Writ Petition is dismissed as withdrawn, granting such liberty.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., 26.07.2022, 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

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Index: Yes/No

Note: Issue order copy by 03.11.2022.



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To

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P.D. AUDIKESAVALU, J.

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