



W.P. No. 20184 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. 20184 of 2022

and

W.M.P. Nos. 19417, 19419 and 21962 of 2022

J.P.Johni

... 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. J.Shiek Nazeer

5. S.Liaqat Ali

6. A.S.Sheik Ahamed

7. A.J.Mohamed Fasil

8. L.Basheer Ahmed

... 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 First Respondent dated 30.03.2022 in Na.Ka.No. 8878/B10/2007/Villu and consequential order of the Second Respondent dated 18.07.2022 in Se.Mu.Order. 8878/B10/2007/Villu and quash the same and consequently direct the First and Second Respondents to appoint Mutawalli as per the scheme framed by the Wakf Board in W.A. No. 3299 of 1961.

For Petitioner : Mr. N.A.Nissar Ahmed

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

Mr. A.Mohamed Ismail (for R3 to R8)

ORDER

Heard Mr. N.A.Nissar Ahmed, Learned Counsel for the Petitioner, Mr. Haja Mohideen Gisthi, Learned Counsel for the First and Second Respondents and Mr. A.Mohamed Ismail, Learned Counsel for the Third to Eighth Repspondents and perused the materials placed on record, apart from the pleadings of the parties.

2. When it was pointed out that the Petitioner has got an effective alternative remedy to challenge the Order in Na. Ka. No. 8878/B10/2007/Villu



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dated 30.03.2022 passed by the First Respondent and Order No. Se. Mu. Order.

8878/B10/2007/Villu dated 18.07.2022 passed by the Second Respondent, which are 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 Petitioner 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In view of the same, the Writ Petition is dismissed as withdrawn, granting such liberty.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., 28.07.2022, 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.

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Index: Yes/No

Note: Issue order copy by 03.11.2022.



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To

WEB COPY

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Rep. by its Chairman,
No. 1, Jaffer Syrang Street,
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Chennai -1.
2. The Chief Executive Officer,
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P.D. AUDIKESAVALU, J.

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