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W.P. No. 24395 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. 24395 of 2022

and

W.M.P. Nos. 23393 and 23394 of 2022

S.Syed Nizamudeen

... Petitioner

-VS-

1. Tamil Nadu Waqf Board,
Rep.by its CEO,
No. 1, Jaffar Sarang Street,
Vallal Seethakadi Nagar,
George Town,
Chennai - 600001.

2. Masjid-e-Qudusiya Waqf,
Triplicane,
Chennai.

3. Janab Mohamed Abdul Matheen Basha,

4. Janab Mohamed Azhar

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the First Respondent dated 04.08.2022 in Se. Mu. Order 9583/08/B6/CHN and quash the same and consequently direct the First Respondent to approve the committee already constituted by order dated 09.12.2020.



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For Petitioner : Mr. A.Mohamed Ismail
For Respondents : Mr.S.Haja Mohideen Gisthi
(for R1)
Mr. N.A.Nissar Ahamed
(for R2 to R4)

ORDER

Heard Mr. A.Mohamed Ismail, Learned Counsel for the Petitioner, Mr. Haja Mohideen Gisthi, Learned Counsel for the First Respondent and Mr. N.A.Nissar Ahmed, Learned counsel for the Second to Fourth Respondents 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 Se. Mu. Order 9583/08/B6/CHN dated 04.08.2022 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 Petitioner 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.



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In view of the same, the Writ Petition is dismissed as withdrawn, granting such liberty.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., 02.09.2022, 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.

To

1. The CEO,
Tamil Nadu Waqf Board,
No. 1, Jaffar Sarang Street,
Vallal Seethakadi Nagar,
George Town,
Chennai - 600001.
2. The Masjid-e-Qudusiya Waqf,
Triplicane,
Chennai.



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P.D. AUDIKESAVALU, J.

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