



WEB COPY



W.P. No. 27260 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

CORAM

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

**W.P. No. 27260 of 2022
and
W.M.P. Nos. 26458 and 26459 of 2022**

A.S.Afroz Begum
Petitioner

...

-VS-

1. The Chief Executive Officer
Tamil Nadu Wakf Board
No.1, Jaffar Sarang Street
Vallal Seethakathi Nagar
George Town, Chennai – 600 001.
2. The Superintend of Wakfs
Poonamallee Periya Pallivasal Valagam
Poonamallee, Chennai – 600 056.
3. M.K.Md.Yousoof
4. A.Aboobakar
5. Abdul Gaffar
6. The Tahsildar
G.S.T. Road
Vandalur – 600 048
Next to Arignar Anna Zoological Park
7. The Inspector of Police
H-2, Police Station
Guduvancherry – 603 202.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India,



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1950, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order of the First Respondent in Proc. No. 14116/B4/2021 dated 25.01.2022 and quash the same and consequently direct the First Respondent to re-induct the Petitioner as Lessee.

For Petitioners : Mr. G.Gopalakrishnan

For Respondents : Mr. Haja Mohideen Gisti (For R1 & R2)

Mrs. N.Senthil Selvi (For R6)
Government Advocate

Mr. L.S.M. Hasan Fizal (For R7)
Additional Government Pleader

ORDER

Heard Mr. G.Gopalakrishnan,, Learned Counsel for the Petitioner, Mr. Haja Mohideen Gisthi, Learned Counsel, who takes notice for the First and Second Respondents, Mrs. N.Senthil Selvi, Learned Government Advocate, who takes notice for the Sixth Respondent, and Mr. L.S.M. Hasan Fizal, Learned Additional Government Pleader, who takes notice for the Seventh Respondent, 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



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alternative remedy to challenge the Order in Proc. No. 14116/B4/2021 dated 25.01.2022 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 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In view of the same, the Writ Petition is dismissed as withdrawn, granting such liberty.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., 28.09.2022, 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.

14.10.2022

Maya

Index: Yes/No

Note: (i) Issue order copy by 22.11.2022.

(ii) Registry is directed to return the original copy of the impugned order under written



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acknowledgment after retaining a copy of the same for record.

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P.D. AUDIKESAVALU, J.

Maya

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