



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 06.01.2022

CORAM:

THE HON'BLE MR. JUSTICE M.DURAISWAMY  
AND

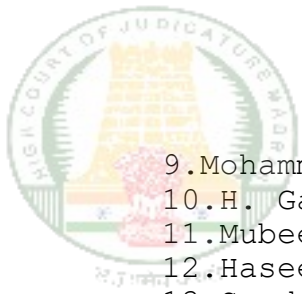
THE HON'BLE MR. JUSTICE J. SATHYA NARAYANA PRASAD

W.A.No.3091 of 2021 &  
C.M.P. No.21456 of 2021

1. Syed Latheef
  2. G.M. Syed Fasi Mohammed
  3. Shabana Ayisha
  4. Fathima Begum
  5. Syed Thula Basha
  6. S.A. Rahman
  7. Syed Faizulah
  8. Syed Akthar Hussain
- ... Appellant

v.

- 1.Syed Mazhar Hussain
- 2.Tamil Nadu Wakf Board,  
Represented by the Chief Executive Officer,  
No.1, Jaffer Syrang Street,  
Vallal Seethakathi Nagar,  
Chennai - 600 001.
- 3.The Chairman,  
Tamil Nadu Wakf Board,  
No.1, Jaffer Syrang Street,  
Vallal Seethakathi Nagar,  
Chennai - 600 001.
- 4.The Election Officer/  
Superintendent of the Wakf,  
Chennai Zone,  
No.139, Dr. Besant Road,  
Ice House, Triplicane,  
Chennai - 600 005.
- 5.The Executive Officer,  
Chennai Superintendent of the Wakf,  
Chennai Zone,  
No.139, Dr. Besant Road,  
Ice House, Triplicane,  
Chennai - 600 005.
- 6.Syed Kasim Sakaaf
- 7.Syed Ajaz Ahmed
- 8.H.W.Shahidaz



9.Mohammed Sajath  
10.H. Gayaz Ali  
11.Mubeena Aamina  
12.Haseena Bi  
13.Syeda Gousia Begum  
14.Showkath Jahaan

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the fair order dated 10.12.2021 passed in W.M.P.No.27861 of 2021 in W.P.No.26402 of 2021.

Prayer in W.M.P.No.27861 of 2021:

Petition praying that to stay all further proceedings pursuant to the impugned order of the 1<sup>st</sup> respondent dated 03/12/2021 in Proc.No.619/99/B9/Chen pursuant to the resolution of the Wakf Board dated 28/10/2021 (in WMP.No.27861 of 2021) pending disposal of the WP.No.26402 of 2021.

Prayer in W.P.No.26402 of 2021:

Pleased to issue a Writ of Certiorari calling for records of the 1<sup>st</sup> respondent dated 03/12/2021 in Proc.No.619/99/B9/Chen pursuant to the resolution of the Wakf Board dated 28/10/2021 and quash the same.

For Appellants : Mr.M.K.Hidayathullah

For Respondents : Mr. Nissar Ahamed - R1

#### JUDGMENT

(Judgment was delivered by M. DURAISWAMY, J.)

The respondents 14 to 21 in W.P.No.26402 of 2021 have filed the above Writ Appeal challenging the interim order granted in W.M.P.No.27861 of 2021, dated 10.12.2021.

2. The learned Single Judge granted an order of interim stay on 10.12.2021. Mr. Nissar Ahamed, learned counsel appearing for the 1<sup>st</sup> respondent-Writ Petition submitted that the appellants have already filed a Vacate Stay Petition in WMP (SR) No.11360 of 2021 on 14.12.2021, hence, the Writ Appeal filed as against the interim order granted by the learned Single Judge is not maintainable.

3. Mr.M.K.Hidayathullah, learned counsel appearing for the appellants submitted that the appellants have not pressed the Vacate Stay Petition before the Registry. Further, the learned counsel submitted that the appellants would approach the learned Single Judge by filing a Vacate Stay Petition and such liberty may be granted to them.

4. In view of the submissions made by the learned counsel on either side, we are not inclined to entertain the



Writ Appeal filed as against the interim order granted by the learned Single Judge. However, it is open to the appellants to file appropriate petition to vacate the interim order granted by the learned Single Judge, in accordance with law.

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With the above observations, the Writ Appeal is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Rj

To

- 1.The Chief Executive Officer,  
Tamil Nadu Wakf Board,  
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+1cc to Mr.Mohamed Rafi, Advocate SR. No.1434

W.A.No.3091 of 2021 &  
C.M.P. No.21456 of 2021

AD (CO)

PR (24/01/2022)  
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