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W.P. No. 30096 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2022

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

W.P. No. 30096 of 2022

and

W.M.P. No. 29519 of 2022

S.Mohammed Meeran

... Petitioner

-VS-

1. The Secretary to Government,
Backward Classes, Most Backward Classes
and Minorities Welfare (S2) Department,
Secretariat, Fort St.George, Chennai - 600 009.
2. The Tamil Nadu Wakf Board,
Rep. by its Chairman,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai - 600 001.
3. The Chief Executive Officer,
The Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai - 600 001.
4. The Superintendent of Wakfs,
Kanchipuram, Chengalpattu and Thiruvallur Districts,
Poonamalle, Chennai - 600 056.
5. The Inspector of Wakfs,
Kanchipuram, Chengalpattu and Thiruvallur Districts,
Poonamalle, Chennai - 600 056.

6. Ismail

... 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



For Petitioner : Mr. Arun Anbumani

For Respondents : Mr. S.Ravi Kumar,
Special Government Pleader (for R1)

Mr. S.Haja Mohideen Gisti (for R2 to R5)

Mr. A. Raja Mohammed (for R6)

Heard Mr. Arun Anbumani, Learned Counsel for the Petitioner, Mr. S.Ravi Kumar, Learned Special Government Pleader, who takes notice for the First Respondent, Mr. S.Haja Mohideen Gisti, Learned Counsel, who takes notice for the Second to Fifth Respondents, and Mr. A.Raja Mohammed, Learned Counsel, who takes notice for the Sixth Respondent, and perused the materials placed on record, apart from the pleadings of the parties.



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2. Learned Counsel for the Second to Fifth Respondents, on instructions, states that the Petitioner has got effective alternative remedy to challenge the Order No. Rc.G.S.216/ Va.Ka.Poovai/22 dated 06.10.2022 passed by the Fourth Respondent, which is impugned in this Writ Petition, by filing application under Section 69 of the Waqf Act, 1995 (hereinafter referred to as 'the Act' for short), before Waqf Board and if the same is made and the concerned parties co-operate without seeking unnecessary adjournments, it would be disposed within a period of three months from the date on which it is taken on file. In such circumstances, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition with liberty to the Petitioner to resort to that procedure and he 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. Consequently, the connected Miscellaneous Petition is closed. No costs.

11.11.2022

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Index: Yes/No

Note: Issue order copy by 25.11.2022.



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To

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1. The Secretary to Government,
Backward Classes, Most Backward Classes
and Minorities Welfare (S2) Department,
Secretariat, Fort St.George, Chennai - 600 009.
2. The Chairman,
The Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai - 600 001.
3. The Chief Executive Officer,
The Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai - 600 001.
4. The Superintendent of Wakfs,
Kanchipuram, Chengalpattu and Thiruvallur Districts,
Poonamalle, Chennai - 600 056.
5. The Inspector of Wakfs,
Kanchipuram, Chengalpattu and Thiruvallur Districts,
Poonamalle, Chennai - 600 056.



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and
W.M.P. No. 29519 of 2022**

P.D. AUDIKESAVALU, J.

The matter is listed today under the caption 'for being mentioned' on receipt of letter dated 01.12.2022 from Learned Counsel for the Petitioner sent to the Registry seeking to correct factual discrepancies that have crept into the order dated 11.11.2022 passed in this Writ Petition.

2. Having regard to the submissions made by Learned Counsel for both sides, paras 2 and 3 of the order dated 11.11.2022 shall be substituted as follows:-

“2. Learned Counsel for the Second to Fifth Respondents, on instructions, states that the Petitioner could raise all the objections to the impugned notice before the Second Respondent. In response thereto, Learned Counsel for the Petitioner contends that one of the contentions of the Petitioner is that there is no necessity at all to frame any scheme for administration of the Jamath as sought in the impugned notice. When it was pointed out



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that the Petitioner could raise such contention also before the Second Respondent, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition reserving the rights of the Petitioner to do so before the Second Respondent. It is made clear that no view has been expressed by this Court on the merits of controversy involved in the matter. It is also agreed that the parties would co-operate to expedite the proceeding within a period of three months without seeking unnecessary adjournments.

3. *In the result, the Writ Petition is dismissed as withdrawn with the aforesaid clarification. Consequently, the connected Miscellaneous Petition is closed. No costs."*

Registry is directed to issue corrected copy of the order to the concerned parties without collecting any extra charges for the same.

02.12.2022

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Note: Issue order copy by 05.12.2022.



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