



WEB COPY



W.P.No.29858 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.29858 of 2022 and
W.M.P.No.29245 of 2022

Ariyur Mosque and Burial Ground Waqf,
Rep. by its Patel Mr.S.Ghouse Basha,
Residing at No.2/73, Kamarajar Street,
Ariyur Village, Vellore - 632 055.

.. Petitioner

Vs.

1. The Chief Executive Officer,
Tamil Nadu Waqf Board,
Chennai - 600 001.
2. The Superintendent of Waqf,
Vellore Zone,
Office of the Waqf Superintendent,
No.8, Bahadursha Mosque Compound,
Arani Road, Sainathapuram, Vellore -1.

.. Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent's letters dated 27.09.2022 and 20.10.2022 in Na.Ka.G.S.No.359/Tha.A/Va.Ka/Ve.Sa/2022 and quash the same as illegal, consequently direct the respondents to recognize the Management Committee selected on 28.04.2022 as per custom and usage as valid.



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For Petitioner : Mr.H.Mohamed Ghouse

For Respondents 1 & 2 : Mr.G.Mohamed Aseef

ORDER

This writ petition has been filed challenging the impugned letters of the second respondent dated 27.09.2022 and 20.10.2022 and consequently seeks a direction to the respondents to recognize the Management Committee selected on 28.04.2022 as per custom and usage as valid.

2. After hearing the learned counsel on either side for sometime, when this Court was about to dismiss the writ petition since disputed facts were canvassed before this Court, which requires proper proof and evidence and it has to be adjudicated by the Waqf Tribunal, the learned counsel appearing for the writ petitioner seeks permission of this Court to withdraw the writ petition with liberty to approach the Waqf Tribunal to canvass all his legal points and also submitted that till such time he approaches the Waqf Tribunal some interim protection may be granted to him.

3. The learned counsel appearing for the respondents would submit that till now they have not initiated the election process. The said statement



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made by the learned counsel for the respondents is recorded.

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4. Such view of the matter, this writ petition is dismissed with liberty to the writ petitioner to approach the Waqf Tribunal and the writ petitioner is entitled to canvass all his legal points before the Waqf Tribunal. Consequently, the connected miscellaneous petition is closed. No costs.

15.12.2022

Index : Yes / No
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NOTE: Registry is directed to issue order copy on or before 16.12.2022.

To

1. The Chief Executive Officer,
Tamil Nadu Waqf Board,
Chennai - 600 001.
2. The Superintendent of Waqf,
Vellore Zone,
Office of the Waqf Superintendent,
No.8, Bahadursha Mosque Compound,
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N.SATHISH KUMAR, J.

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