



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.04.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

W.P. (MD) No.6648 of 2022

and

W.M.P. (MD) Nos.5129 and 5130 of 2022

WEB COPY

A.J.Nizam Mydeen

... Petitioner

/vs./

1.Tamilnadu Wakf Board,
represented by its Chief Executive Officer,
Jaffer Syrang St.,
Mannady,
Chennai 600 001.

2.Muhaideen Andavar Pallivasal,
represented by its Executive Officer/
Superintendent of Wakf,
Tanjore Zone, Vialntha Kandan,
Kumbakonam Taluk,
Tanjore District-612 503.

... Respondents

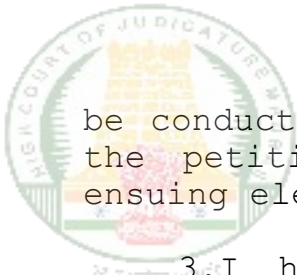
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the proceedings of the first respondent bearing Proceedings No.16960/99/B7/TNJ dated 19.08.2020 and quash the same as illegal, ultra vires, without jurisdiction and against the principles of natural justice.

For Petitioner : Mr.V.Nandha Kumar
For R1 : Mr.K.K.Senthil

ORDER

The petitioner has filed the present writ petition for a Certiorari to call for the proceedings of the 1st respondent bearing proceedings No.16960/99/B7/TNJ dated 19.08.2020 and quash the same as illegal, ultra vires, without jurisdiction and against the principles of natural justice.

2.The learned counsel for the petitioner submits that the petitioner may be given liberty to challenge the impugned order dated 19.08.2020 of the 1st respondent/Tamilnadu Wakf Board taking over the management of the 2nd respondent Pallivasal. It is noticed that by the impugned order, only a management has been taken over and a show cause notice dated 19.08.2020 issued to the petitioner, regarding certain irregularities, which has been challenged by the petitioner in O.A.No.42 of 2021. The reason for challenging the impugned order now appears to be apprehension that the election will



be conducted by the 1st respondent Board immediately and therefore, the petitioner will be incapacitated from participating in the ensuing election.

3.I have considered the arguments advanced by the learned counsel for the petitioner and the learned counsel for the 1st respondent.

4.If at all the petitioner wants to participate in the election, it is for the petitioner to ensure that the proceedings initiated in the show cause notice dated 19.08.2020 are completed. On the other hand, O.A.No.42 of 2021 has been filed by the petitioner challenging the show cause notice, as a result of which further enquiry has not been conducted. All the same, I am dismissing this writ petition by giving liberty to the petitioner to approach the Wakf Tribunal within a period of 30 days from the date of receipt of a copy of this order to challenge the impugned order dated 19.08.2020 of the 1st respondent. If the petitioner so desires, the petitioner may file suitable application to stay of its operations. In case, the petitioner fails to obtain any interim order or stay of operation of the impugned order from the Tribunal, the respondent Wakf Board may proceed with the proposed election. In case, such an appeal is filed within such time by the petitioner, the Wakf Tribunal shall entertain the appeal and endeavour to dispose of the same on merits and in accordance with law in its turn.

5.The writ petition stands dismissed, in terms of the above observation. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

The Chief Executive Officer,
Tamilnadu Wakf Board, Jaffer Syrang St.,
Mannady, Chennai 600 001.

+1 CC to M/s.K.K. SENTHIL, Advocate (SR-17994[F] dated 12/04/2022)

W.P. (MD) No.6648 of 2022

ac (CO)

TR(12.04.2022) 2P 3C