



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2022

CORAM

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD).No.6551 of 2022

and

W.M.P(MD).Nos.5077 and 5078 of 2022

P.Mohamed Gani

... Petitioner

Vs.

1.The Tamil Nadu Wakf Board,
Rep., by its Chief Executive Officer,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai-1.

2.The Tamil Nadu Wakf Board,
Rep., by its Superintendent,
Neethi Nagar, Court Road,
Thanjavur.

3.The Inspector of Wakf/Executive Officer,
Jamiah Masjith Pallivasal,
Burmah Colony, Vilar Road,
Thanjavur District.

4.The Inspector of Police,
Thanjavur South Police Station,
S.D.M.Road, Thanjavur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned memo passed by the 1st respondent in Na.Ka.No.1822/18/Aa7/Thanjai, dated 04.03.2022 as well as the impugned notice of the 3rd respondent in Reg.No.326/Va.Aa/Thanjai/22, dated 17.03.2022 and quash the same and consequently direct the respondents herein not to interfere with the management of administration of the petitioners wakf.

For Petitioner

: Mr.A.Mohamed Haneef

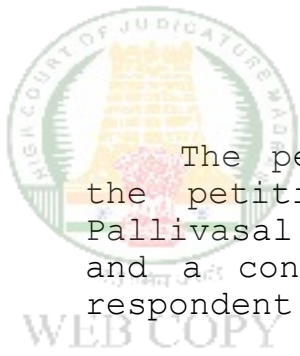
For R1 to R3

: Mr.K.K.Senthil

For R4

: Mr.M.Prakash

Additional Government Pleader



ORDER

The period of term had expired on 18.06.2019 and thereafter, the petitioner had continued in Office of the Jamiah Masjith Pallivasal. The respondents have issued a notice, dated 04.03.2022 and a consequential order, dated 17.03.2022, whereby, the third respondent take over the management of the aforesaid Pallivasal.

2.The case of the petitioner is that the impugned order has been passed without giving notice to the petitioner and therefore, it is liable to be quashed.

3.Opposing the prayer, the learned counsel for the Wakf Board submits that the previous term came to an end on 18.06.2019 and thereafter, an election was held on 16.02.2019. However, the same was not recognized. He further submits that the petitioner had also filed W.P.(MD).No.655 of 2022, which was later disposed. It is therefore submitted that there is no justification in challenging the impugned order/communication dated 17.03.2022. It is submitted that the petitioner has an alternate remedy.

4.Considering the fact that the term of Office already come to an end and the fact the purported election held on the earlier occasion has also not been recognized, I do not find any merits in interfering with the impugned notice and communication dated 04.03.2022 and 17.03.2022 respectively. The writ petition stands dismissed by giving liberty to the petitioner to workout alternate remedy. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (PROTOCOL)

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/ /2022

Sub Assistant Registrar(CS)

To

1.The Chief Executive Officer,
The Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai-1.

2.The Superintendent,
The Tamil Nadu Wakf Board,
Neethi Nagar, Court Road,
Thanjavur.



3.The Inspector of Wakf/Executive Officer,
Jamiah Masjith Pallivasal,
Burmah Colony, Vilar Road,
Thanjavur District.

4.The Inspector of Police,
Thanjavur South Police Station,
S.D.M.Road, Thanjavur.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.A.MOHAMED HANIF, Advocate (SR-17670[F] dated 11/04/2022)

+1 CC to M/s.K.K.SENTHIL, Advocate (SR-17698[F] dated 11/04/2022)

+1 CC to M/s.SPL.GP (SR-17903[F] dated 11/04/2022)

W.P (MD) .No.6551 of 2022
08.04.2022

RS (21.04.2022) 3P-9C