



W.P. (MD) No. 25933 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2022

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKEAVALU

W.P. (MD) No. 25933 of 2022

and

W.M.P. (MD) No. 20048 of 2022

R.Doulath Hussain Khan

... Petitioner

Vs.

1.The Tamil Nadu Waqf Board,
Rep by its Chairman,
Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.

2.The Chief Executive Officer,
The Tamil Nadu Waqf Board,
Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorari, to call for the records relating to the impugned notification of the second respondent in Sa..Mu.Aannai: 12046/09/Aa5/Trichy, dated 08.12.2021 and quash the same as illegal insofar as it restricts the tenure of the petitioner as the Hereditary Mutawalli of Jummah Mosque Waqf (GS No.162/Trichy) for a period of three years and consequently, direct the respondents to recognize the petitioner's trusteeship for his life within the time that may be stipulated by this Court.

For Petitioner : Mr. M.Mahaboob Athiff

For Respondents : Mr. K.K.Senthil
Standing Counsel

ORDER

Heard Mr. M.Mahaboob Athiff, Learned Counsel for the Petitioner and Mr. K.K.Senthil, Learned Standing Counsel for the Respondents and perused the materials placed on record, apart from the pleadings of the Petitioner.

2. When it was pointed out that the Petitioner has got an effective alternative remedy to challenge the Proceedings in Sa.Mu.Aannai: 12046/09/Aa5/Trichy, dated 08.12.2021 passed by the Second Respondent,

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which is impugned in this Writ Petition, by filing an application under Section 83 of the Waqf Act, 1995, before the Tamil Nadu Waqf Tribunal, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition with liberty to resort to the aforesaid procedure and without prejudice to the rights of the Petitioner in prosecuting W.A. (MD) No.947 of 2022 filed by him. 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In view of the same, the Writ Petition is dismissed as withdrawn, granting such liberty. It is made clear that for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of filing of the Writ Petition, viz., 14.11.2022, till the date on which the certified copy of this order is made ready by the Registry, shall be excluded. Consequently, the connected Miscellaneous Petition is closed. No costs.

09.12.2022

Index : Yes/No

Internet : Yes/No

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Note: Issue order copy by 21.12.2022.

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P.D.AUDIKESAVALU,J.

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To

- 1.The Tamil Nadu Waqf Board,
Rep by its Chairman,
Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.
- 2.The Chief Executive Officer,
The Tamil Nadu Waqf Board,
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