



W.P.No.5454 of 2023

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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 24.01.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

**WP.No.5454 of 2023 &**

**WMP.Nos.5489 & 5490 of 2023**

M.Khaleelur Rahman

... Petitioner

Vs

1. Tamilnadu Wakf Board,  
Rep. by the Chief Executive Offficer,  
No.1, Jaffer Syrang Street,  
Vellal Seethakathi Nagar, Chennai – 600 001.

2. Islamia Uavin Murai Trust,  
Rep. by its President,  
Veerachozham – 626 612,  
Thiruchuzhi Taluk, Virudhu Nagar District.

... Respondents

Prayer:- Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorari calling for the records of the first respondent relating to its resolution in Resolution in Item No.257/22 in RC 14748/45/B3 VNG dated 21.12.2022 as published in Tamilnadu Government Gazette dated 28.01.2023 part Vi Section 3[a] in respect of second respondent and quash the same as illegal and unsustainable.



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For Petitioner : Mr.S.Kanniah

For Respondents : Mr.Haja Mohideen Gisthi – R1

Mr.S.Thankasivan  
for A.S.Vijayaraghavan – R2

### **ORDER**

This Writ Petition has been filed to quash the Resolution in Item No.257/22 in RC 14748/45/B3 VNG dated 21.12.2022 as published in Tamilnadu Government Gazette dated 28.01.2023 part Vi Section 3[a], in respect of second respondent, as illegal and unsustainable.

2. The case of the petitioner is that, inspite of her objections given and without giving any opportunity to the petitioner, the Bye-Laws has been approved by the Wakf Board. Challenging the same, the present Writ Petition has been filed.

3. It is relevant to note that any Order passed by the Wakf Board can be challenged only before the Tribunal. This view has been fortified by the Honourable Supreme Court in **Rashid Wali Beg Vs. Farid Pindari and**



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others reported in [2022] 4 Supreme Court Cases 414, where it has been held as follows :

“In fact, Section 83 [5] of the Act makes it clear that the Tribunal shall be deemed to be a Civil Court and shall have the same powers as may be exercised by a Civil Court under the CPC, while trying a suit or executing a decree or order. This is why this Court held in Mohideen v. Ramanatapura Peria Mogallam Jamath that the Wakf Tribunal will have power to issue temporary injunctions under Order 39 Rule 1 CPC.”

Similarly, the Honourable Supreme Court has also held that the Writ Petition is not maintainable when an effective alternative remedy is available to the petitioner. In such view of the matter, this Writ Petition is not maintainable as against the Order of the Wakf Board. If at all the petitioner is aggrieved, he can challenge the same in the manner known to law.



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4. With the above directions, this Writ Petition is dismissed.

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Consequently, connected miscellaneous petitions are closed. No costs.

**24.01.2023**

Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

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**N.SATHISH KUMAR, J.**

VTC

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