



WEB COPY



W.P.No.5814 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.5814 of 2023

M.I.Mohamed Bugari

.. Petitioner

Vs

1. The District Collector cum Magistrate
Karaikal, Puducherry.
2. The Superintending Engineer
Circle-III, Public Works Department
Karaikal, Puducherry.
3. The Chief Executive Officer cum Secretary
No.1 & 3, 3rd Floor
Yanam Venkatachalam Pillai Street
Puducherry State Waqf Board
Puducherry – 605 001.
4. The Reconstruction Committee – AUQAF
Peria Pallivasal
Masthan Sahib Valliyullah Dargah Shareef
Karaikal – 609 602.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the fourth



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respondent Reconstruction Committee to complete the reconstruction/alteration work at Peri Pallivasal, Masthan Palli Street, Karaikal, within a stipulated time.

For the Petitioner : Mr.J.Rajmohan

For the Respondents : Dr.B.Ramaswamy
Addl. Government Pleader
(Pondy)
for respondents 1 and 2

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

M.I.Mohamed Bugari, son of Mohamed Ismail, has filed this writ petition seeking issuance of a writ of mandamus directing the fourth respondent/Reconstruction Committee to complete the reconstruction/alteration work at Peri Pallivasal, Masthan Palli Street, Karaikal, within a stipulated time.

2. Dr.B.Ramaswamy, learned Additional Government Pleader (Pondy), accepting notice on behalf of respondents 1 and 2, would submit that if the petitioner is aggrieved by the inaction on the part of the fourth respondent/Reconstruction Committee, he has to



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approach the Wakf Tribunal invoking the provisions of the Wakf Act, 1995 and the writ petition is not maintainable.

3. We find merit in the aforesaid submission made by learned Additional Government Pleader (Pondy) appearing on behalf of respondents 1 and 2. It is trite that in respect of any dispute pertaining to wakf or wakf property, the aggrieved person has to first approach the Wakf Tribunal and he cannot straight-away come to this Court by filing a writ petition under Article 226 of the Constitution of India.

4. In view of the availability of an alternative statutory remedy, which is equally efficacious, the writ petition is dismissed with liberty to the petitioner to approach the Wakf Tribunal. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
27.02.2023

Index : No
Neutral Citation : No
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THE HON'BLE ACTING CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(sasi)

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