



WEB COPY



W.P.No.5774 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.5774 of 2023

and

W.M.P.Nos.5769 and 5771 of 2023

Sheik Hussain Pet Jamia Masjid (Jamiya Masjid),
Rep by it's Vice President,
Shaikh Hussain Pet Village,
Pali Panchayat, Ulundurpet Taluk,
Kallakurichi District.

... Petitioner

VS.

- 1.The Chairman
Tamil Nadu Wakf Board,
No.1, Jaffer Sherong Street,
Vallal Seethakathi Nagar,
Chennai-600 001.
- 2.The Chief Executive Officer
Tamil Nadu Wakf Board,
No.1, Jaffer Sherong Street,
Vallal Seethakathi Nagar,
Chennai-600 001.
- 3.The Superintendant of Wakf,
Cuddalore Zone,
Cuddalore.



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4.The Inspector of Wakf,
Villupuram District,
Villupuram.

5.Janab Mohammed Zakkariya

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the Proceedings of the 2nd respondent in his proceedings in Na.Ka.No.13831/2022/A6/Cuddalore dated 20.10.2022 and quash the same and consequently, direct the 2nd respondent to conduct enquiry afresh regarding registration of Jamiya Masjid Wakf and take decision on the issue of registration of Jamiya Masjid Wakf within the time stipulated by this Court.

For Petitioner : Mr.L.G.Sahadevan
for Mr.A.Ilayaperumal

For R1 to R4 : Mr.C.Shankar
Standing Counsel for Wakf Board

For R5 : Mr.M.J.Jaseem Mohammed

ORDER



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WEB COPY The present writ petition has been filed challenging the order passed by the 2nd respondent registering Sheik Hussain Pet Jamia Masjid (Jamia Masjid) situated at Shaikh Hussain Pet Village, Pali Panchayat, Ulundurpet Taluk, Kallakurichi District as a Wakf based on the application preferred by the 5th respondent.

2. When the matter is taken up for hearing, an objection was raised with regard to maintainability of the writ petition on the ground that the petitioner has got effective alternative remedy before the Wakf Tribunal under Section 83 of the Wakq Act, 1995.

3. In view of the fact that the petitioner has got effective remedy before the Wakf Tribunal constituted under the Special Act, this Court is not inclined to entertain this writ petition. The petitioner is granted liberty to move Wakf Tribunal and work out their remedy in the manner known to law. The petitioner is also entitled to move appropriate application for interim relief within a period of three weeks from the date of receipt of copy of this order. Till then, the *status quo* as on today shall be maintained by



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both the parties.

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4. With these observations, the writ petition is disposed of. No costs.

Consequently, the connected miscellaneous petitions are closed.

28.07.2023

Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

dm

Note: Issue order copy on 31.07.2023.



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S.SOUNTHAR, J.

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