



WP No.11025 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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I.S.Imtiyaz Shariff

: Petitioner

versus

1.The Principal Secretary,  
Department of backward Classes & Minority Welfare,  
Fort St.George, Chennai 600009

2.The Tamil Nadu Wakf Board,  
rep. By its Chairman,  
Vallal Seethkathi Nagar,  
Chennai 600001.

3.The Tamil Nadu Wakf Board,  
rep. By its Chief Executive Officer,  
Vallal Seethkathi Nagar,  
Chennai 600001.

4.JB Jiffry Kasim M.H.  
No.10, K.B.Dasan Road,  
Alwarpet, Chennai 600018

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing respondents 1 and 2 from proceeding with the tender notification dated 06.02.2019 issued by the third respondent under proceeding RC No.4592/07/B9/chennai for leasing out the Bachawali Mosque Wakf situated at 13/6, Papanasam Sivan Salai, Mylapore, comprised in S.No.2390 with an extent of 13,500 sq.ft. based on the



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representation dated 16.02.2019 given by the petitioner.

For the Petitioner : Mr.C.D.Sugumar  
For Respondent No.1 : Mrs.R.Anitha, Spl.G.P.  
For Respondents 2&3 : Mr.Haja Moideen Gisthi  
For Respondent No.4 : Mr.Syed Aejaaz

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.C.D.Sugumar, learned counsel for the petitioner, Mrs.R.Anitha, learned Special Government Pleader, for the first respondent, Mr.Hana Moideen Gisthi, learned counsel for respondents 2 and 3 and Mr.Syed Aejaaz, learned counsel for the fourth respondent.

2. The petitioner challenges the tender notification issued by respondents 1 and 2 for leasing out the properties belonging to the writ mosque. The tender is of the year 2019.

3. In case an illegal lease is made, then the aggrieved party has a remedy before the Wakf Tribunal. It is open for the aggrieved party to approach the said Tribunal, as may be permissible under law.



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4. In that event, all contentions of the respective parties are kept open.

5. The writ petition is disposed of accordingly. There will be no order as to costs. Consequently, WMP No.11460 of 2019 is closed.

**(S.V.G., CJ.)**

**(D.B.C., J.)**

**10.11.2023**

Index : Yes/No  
Neutral Citation : Yes/No  
tar

To

1.The Principal Secretary,  
Department of backward Classes & Minority Welfare,  
Fort St.George, Chennai 600009

2.The Chairman,  
Tamil Nadu Wakf Board,  
Vallal Seethkathi Nagar, Chennai 600001.

3.The Chief Executive Officer,  
Tamil Nadu Wakf Board,  
Vallal Seethkathi Nagar, Chennai 600001.



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