



WEB COPY



W.P. No. 23782 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2023

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

**W.P. No. 23782 of 2023
and
W.M.P. No. 23290 of 2023**

Mohammed Abdulla Anwari

... Petitioner

-VS-

1. The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600001.
2. The Waqf Inspector,
Coimbatore Zone,
No.963, Hyder Ali Tippu Sulthan
Sunnath Jamath Pallivasal Complex,
Mettupalayam Road,
Coimbatore – 641023
3. J.Sulthan Rafi
(R3 is impleaded vide order dated 04.09.2023
in W.M.P. No. 25321 of 2023)

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the First Respondent herein in Na.Ka.No. 11679/AA3/14/TPR dated 19.06.2023 with respect to Jamia Mosque Waqf, Udumalaipettai and quash the same as illegal.



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For Petitioner : Mrs. A.Ajimath Begum
For Respondents : Mr. Mohammed Fayaz Ali,
Standing Counsel (for R1 & R2)
Mr. N.A.Nissar Ahmed,
Senior Counsel
for M/s. I.Kowser Nizar (for R3)

ORDER

Heard Mrs. A.Ajimath Begum, Learned Counsel for the Petitioner, Mr. Mohamed Fayaz Ali, Learned Standing Counsel appearing for the First and Second Respondents and Mr. N.A.Nissar Ahmed, Senior Counsel appearing for the Third Respondent M.Fakkir Mohideen, Learned Standing Counsel appearing for the First and Second Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. When it was pointed out that the Petitioner has got an effective alternative remedy to challenge the Proceedings in Na. Ka. No. 11679/ AA3/14/TPR dated 19.06.2023 passed by the First Respondent, which is impugned in this Writ Petition, by filing an application under Section 83 of the Waqf Act, 1995, before the Waqf Tribunal, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition with liberty to resort to the aforesaid



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procedure and he has made an endorsement to that effect in the court record.

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3. Since the interim order had been granted by this Court on 21.08.2023, it shall continue to be in force till 15.02.2024. It is also made clear that the Waqf Board is not precluded from framing a scheme for the administration of the Waqf including the method of election to be followed in that Waqf under Section 69 of the Act, uninfluenced and uninhibited by the pendency of any challenge to the impugned proceedings.

4. In fine, the Writ Petition is dismissed as withdrawn granting such liberty. It is made clear for the purpose of reckoning limitation for availing the said remedy, the period from the date of filing of this Writ Petition, viz., 09.08.2023, till the date on which the certified copy of this order is made ready by the Registry, shall be excluded. Consequently, connected Miscellaneous Petition is closed. No costs.

15.11.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 31.01.2024.

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To



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P.D. AUDIKESAVALU, J.

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