



WEB COPY



W.P. No. 28568 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2023

CORAM

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

W.P. No. 28568 of 2023

and

W.M.P. No. 28120 of 2023

A.Shama Aprose Begam

... Petitioner

-VS-

1. The Tamil Nadu Waqf Board
Represented by its Chairman,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600001.

2. The Waqf Superintendent,
Thanjavur Zone,
No.27, Diwan Nagar,
Neethimanra Salai,
Pattukottai Taluk,
Thanjavur District.

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. 1983/23/AA7/Mayilai dated 22.08.2023 with respect to Badesha Burhanuddin Avuliya Dargah Waqf and quash the same as illegal, unsustainable and without jurisdiction and consequently direct the First Respondent to notify the selection made by the jamathars on 21.07.2023 for the Badesha Burhanudding Avuliya Dargah Waqf.



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For Petitioner : Mrs. A.Ajimath Begum
For Respondents : Mr. M.Fakkir Mohideen,
Standing Counsel

ORDER

Heard Mrs. A.Ajimath Begum, Learned Counsel for the Petitioner and Mr. 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 remedy to challenge the Proceedings in Na. Ka. No. 1983/23/ AA7/Mayilai dated 22.08.2023 passed by the First Respondent, which is impugned in this Writ Petition, by filing an application under Section 83 of the Waqf Act, 1995 (hereinafter referred to as 'the Act' for short), 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 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 29.09.2023, it shall continue to be in force till 10.12.2023. 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., 26.09.2023, 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: (i) Issue order copy on 11.12.2023.

(ii) Registry is directed to return the impugned order under written acknowledgment after retaining a copy of the same for record.

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To

1. The Chairman,
Tamil Nadu Waqf Board
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600001.

2. The Waqf Superintendent,
Thanjavur Zone,
No.27, Diwan Nagar,
Neethimanra Salai,
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P.D. AUDIKESAVALU, J.

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