



W.P. No. 30237 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2023

CORAM

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

**W.P. No. 30237 of 2023
and
W.M.P. Nos. 29916 and 29918 of 2023**

1. I.S.Ibrahim

2. M.Basheer Ahamed

... Petitioners

-VS-

1. The Tamil Nadu Wakf Board,
Represented by its Chariman,
No. 1, Jafar Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No. 1, Jafar Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

3. The Superintendent of Wakf,
Tamil Nadu Wakf Board,
No. 1, Jafar Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

4. The Inspector of Wakf,
Tamil Nadu Wakf Board,
No. 139, Dr. Besant Road,
Ice House,
Chennai – 600 005.



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5. The Trust Estate of M.K.P. Maracayar & Masid Moqdoomi Waqf,
Rep. by its President,
S.M.A. Mohammad Saleem,
No. 85, Sembudoos Street,
Mannady,
Chennai – 600 001.

6. S.Majid @ Sali Majid
Respondents

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Prohibition, prohibiting the First to Fourth Respondents and their men or subordinates or any Adhoc Committee or an agents from administering or managing the Trust Estate of M.K.Periyathambi Maracayar till the completion of enquiry under Section 32 of the Wakf Act, 2013, as directed by this Court in W.A. No. 1339 of 2022 dated 13.04.2023.

For Petitioners : Mr. A.Ilayaperumal

For Respondents : Mr. S.Haja Mohideen Gisti,
Standing Counsel (for R1 to R4)

ORDER

Heard Mr. A.Ilayaperumal, Learned Counsel for the Petitioners and Mr. S.Haja Mohideen Gisti, Learned Standing Counsel, who takes notice for the First to Fourth Respondents and perused the materials placed on record, apart from the pleadings of the parties.



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2. Having regard to the nature of order proposed to be passed in the Writ Petition, which would not cause any prejudice to the Fifth and Sixth Respondents, notice to him is dispensed with.

3. The Division Bench of the Court in ***I.S.Ibrahim -vs- Principal Secretary to Government, Backward Class, Most Backward Class and Minorities Welfare Department, Chennai*** (Order dated 13.04.2023 in W.A. No. 1339 of 2022 etc., batch) had passed certain orders relating to the administration and management of the affairs of the Fifth Respondent, viz., Trust Estate of M.K.Periyathambi Maracayar and had directed apart from conducting an enquiry under Section 32 of the Waqf Act, 1995 (hereinafter referred to as 'the Act' for short). It is contended by the Petitioner that in utter disregard of the order passed by the Division Bench of the Court, an advertisement has been published on 08.01.2023 in Daily Thanthi Newspapers for demolition and removal of debris of the building situated at Old Door Nos. 79 and 80, Broadway, Chennai – 600108, belonging to the Fifth Respondent.

4. Learned Counsel appearing for the First to Fourth Respondents has produced a copy of the Proceedings No. Se.Mu.Aanai: 12765/ 16/Aa9/ Chennai



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dated 21.08.2023 passed by the First Respondent appointing an ad hoc Committee for the Fifth Respondent and contends that if the Petitioner has any grievance relating to the action taken by the ad hoc Committee of the Fifth Respondent, he could make an application under Section 83 of the Act, before the Waqf Tribunal.

5. In such circumstances, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition reserving the rights of the Petitioner to work out his remedies before proper forum in the manner recognized by law and he has made an endorsement to that effect in the court record. It is needless to reiterate here that the concerned authorities shall strictly follow the directions in the aforesaid order passed by the Division Bench of the Court.

In fine, the Writ Petition is dismissed as withdrawn with the aforesaid clarification. Consequently, the connected Miscellaneous Petitions are closed.
No costs.

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Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 20.10.2023.

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