



W.P. No. 31083 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2023

CORAM

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

W.P. No. 31083 of 2023

and

W.M.P. No. 30713 of 2023

Thufail Ahmed P.M.

... Petitioner

-VS-

1. The Tamil Nadu Wakf Board
Rep. By its Chief Executive Officer
No.1, Jaffer Syrang Street
Vallal Seethakathi Nagar
Chennai – 1.
2. The Election Officer /Superintendent of Wakfs
Vellore Circle, Office of the Superintendent of Wakfs
Vellore.
3. Abdul Azeez
4. Abubakkar Uzair Ahmed
5. Abubakkar Azad Ahmed
6. Peer Mohammed Faizur Rahman
7. Alathoor Zuhair Ahmed
8. Peer Mohammed Abdul Muqeeth
9. Peer Syed Abdul Bari
10. Nariyam Mohammed Rafi
11. Ashfaq Ahmed
12. Aukoor Imthiaz Ahmed
13. Aukoor Ashfaq Ahmed
14. Mohammed Ibrahim



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15. Azeez Ehtisham
16. Abubakkar Zuhair Ahmed
17. Abubakkar Amjad Ahmed
18. Kaka Shabeer Ahmed
19. Aaliyar Muzaffar Ahamed
20. Nariyam Fazulur Rahman
21. Punnaki Mohammed Hassan
22. Mookanai Mumtaz Ahmed
23. Chundeli Mohammed Alik
24. Peer Syed Muzaffar Ahmed
25. T.Imran Ahmed
26. Aaliyar Saleem Basha
27. Chundeli Irshad Ahmed
28. Nathar Mubeen Ahmed
29. Aaliyar Ameen Ahmed
30. Nathar Hafeezur Rahman
31. Peer Mohammed Faizur Rahman
32. Chittaney Amjed Ahmed
33. Nariyam Fazulur Rahman
34. Aaliyar Amjad Basha
35. Cheri Mohammed Fazil
36. Jaladaikar Irshad Ahmed
37. Palimura Amanullah
38. Peer Mohammed Mohammed Sufainy
39. Shaik Arshad Ahmed
40. Cheri Atheequr Rahman
41. Khateeb Abrarul Hasan
42. Abubakkar Amjed Ahmed
43. Kaka Shabeer Ahmed
44. Vati Niyaz Ahmed
45. Aaliyar Akbar Ahmed
46. Peer Mohammed Khaleel Ahmed



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47. Avaram Abdul Hai
48. Aaliyar Zainul Abideen
49. Chembli Mohammed Zaheem
50. Avaram Mohammed Yaser
51. Cheri Khaleel Zia Ur Rahman
52. Korkandi Javeed Ahmed
53. M.Tanveer Ahmed
54. M.K.Asrar Ahmed

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, forbearing the First Respondent from approving the elections to the said 4 wakfs, viz., the Road Mosque, Madrasa Fathima Girls School, Chinna Masjid and Madrasa – I – Yahayavul Islam and the New Mosque & Madrasa – I – Nasrathul Islam Wakfs which is contrary to proforma report /register of Wakfs maintained by the Wakf Board under Section 36 & 37 of the Wakf Act, 1995, and consequently direct the respondents 1 and 2 to conduct elections as per the proforma report and directions of this Hon'ble Court in W.P. No. 25077 of 2015 and 23671 of 2018 by order dated 16.06.2023.

For Petitioner : Mr. N.A.Nassir Hussain

For Respondents : Mr. G.Mohamed Aseef,
Standing Counsel (for R1 & R2)

Mr. Damodaran (for R3 to 10 & 16)

Mr. Adithya Veradarajan
(for R19 to 27, 39, 31 to 34, 36 to 39, 42 to 51)



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ORDER

WEB COPY

Heard Mr. N.A.Nassir Hussain, Learned Counsel for the Petitioner, Mr. G.Mohamed Aseef, Learned Standing Counsel appearing for the First and Second Respondents, Mr. Damodaran, Learned Counsel for the Third to Tenth and Sixteenth Respondents and Mr. Adithya Veradarajan, Learned Counsel for the Nineteenth to Twenty Seventh Respondents, Twenty Ninth, Thirty First to Thirty Fourth, Thirty Sixth to Thirty Ninth and Forty Second to Fifty First 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 seek the relief sought 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 procedure and he has made an endorsement to that effect in the court record.

3. Since the interim order had been granted by this Court on 26.10.2023, it shall continue to be in force till 15.02.2024. It is also made clear that the Waqf



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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., 25.10.2023, 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.

16.11.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 31.01.2024.

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To

1. The Chief Executive Officer
Tamil Nadu Wakf Board
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2. The Election Officer /Superintendent of Wakfs
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P.D. AUDIKESAVALU, J.

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