



WEB COPY



W.P. No. 31118 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2023

CORAM

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

W.P. No. 31118 of 2023

and

W.M.P. Nos. 30748 and 30747 of 2023

S. Nagore Meeran

... Petitioner

-VS-

1. The Tamil Nadu Wakf Board,
Rep. by its Superintendent of Wakfs,
No. 1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.
2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No. 1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.
3. The Inspector of Wakfs,
Thiruvallur and Kancheepuram,
Poonamalle Circle,
Office of the Wakf Inspector,
Kancheepuram.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for records of the First Respondent dated 14.03.2023 in Na.Ka.No. 12523/12/B4/kanchi and consequential proceedings of the Second Respondent dated 30.03.2023 in Na.Ka.No. 12523/12/B4/Kanchi and of the Third Respondent dated 19.10.2023



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in G.S.No.49/Kanchi/Va.Aa/Poovai and quash the same.

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For Petitioner : Mr. N.A. Nassir Hussain

For Respondents : Mr. M. Fakkir Mohideen,
Standing Counsel

ORDER

Heard Mr. N.A.Nassir Hussain, Learned Counsel for the Petitioner and Mr. M.Fakkir Mohideen, Learned Standing Counsel appearing for the 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. 12523/ 12/B4/kanchi dated 14.03.2023 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 Senior Counsel appearing for the Petitioner seeks permission of the Court to withdraw the Writ Petition with liberty to resort to the aforesaid procedure and Learned Counsel for the Petitioner 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 26.10.2023, 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., 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.

17.11.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 31.01.2024.

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To

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Tamil Nadu Wakf Board,
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Vallal Seethakathi Nagar,
Chennai – 600 001.
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P.D. AUDIKESAVALU, J.

nsi

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