



WEB COPY



W.P. No. 32797 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2023

CORAM

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

W.P. No. 32797 of 2023

in

W.M.P. No. 32425 of 2023

S.Khidermohammed Hussain

... Petitioner

-VS-

1. The Tamil Nadu Wakf Board,
Rep by its Chief Executive Officer,
No. 1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 1.

2. The Superintendent of Wakfs,
Tanjore Zone,
Tamil Nadu Wakf Board, Thanjavur.

... 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 any manner appointing Muthuwalli to the Sikkandar Rowthar's Wakf, Theru Palli Street, Nagoor, Nagai District without following the due process by giving proper publication and conducting enquiry in accordance with law as sought vide the Petitioner's representation dated 04.11.2023.

For Petitioner : Mr. N.A.Nissar Ahmed
Senior Counsel
for M. Nuzhath Khanam

For Respondents : Mr. C. Shankar



W.P. No. 32797 of 2023

ORDER

WEB COPY Heard Mr. N.A.Nissar Ahmed, Learned Senior Counsel appearing for the Petitioner and Mr. C. Shankar, Learned Counsel for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed on 08.11.2023 seeking to restrain the First Respondent from in any manner appointing Muthawalli to the Sikkandar Rowthar's Wakf, Theru Palli Street, Nagoor, Nagai District without following the due process by giving proper publication and conducting enquiry in accordance with law as sought by the Petitioner in the representation dated 04.11.2023 made by him.

3. In response, Learned Counsel appearing for the Respondents has brought to notice that even prior to the said representation dated 04.11.2023 made by the Petitioner, the First Respondent has already conducted the meeting on 30.10.2023 when a resolution appointing Muthawalli was passed and its copy has been placed on record. Learned Counsel for the Petitioner acknowledges its receipt in court today. In this backdrop, if the Petitioner has any grievance, he is not precluded from working out his remedies under Section 83 of the Waqf Act, 1995, before the Waqf Tribunal following the prescribed procedure in that



W.P. No. 32797 of 2023

regard. In view of the same, nothing remains for further consideration in the

Writ Petition.

In the result, the Writ Petition is disposed with the aforesaid clarifications. Consequently, the connected Miscellaneous Petition is closed.

No costs.

23.11.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 14.02.2024.

ns1

To

1. The Tamil Nadu Wakf Board,
Rep by its Chief Executive Officer,
No. 1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 1.
2. The Superintendent of Wakfs,
Tanjore Zone,
Tamil Nadu Wakf Board, Thanjavur.



WEB COPY



W.P. No. 32797 of 2023

P.D. AUDIKESAVALU, J.

nsi

W.P. No. 32797 of 2023

23.11.2023