



W.P. (MD) No. 1351 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.02.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No. 1351 of 2023

and

W.M.P. (MD) Nos.1236 and 1237 of 2023

Kottar Elankadai Muslim Samuthaya Trust,
Rep.by its Treasurer,
Kottar, Nagercoil,
Kanyakumari District.

... Petitioner

Vs.

1.Tamil Nadu Waqf Board,
Rep. by its Chairman,
No.1, Jaffar Sarang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.

2.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffar Sarang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.

3.Janab P.Mohamed Ibrahim
4.Janab M.M.Peer Mohammed @ Kuyyappa
5.Janab S.M.A.Thikurrahman
6.Janab S.Jainul Abdeen



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7. Janab A. Ahamed

... Respondents

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[R3 to R7 are impleaded vide Court order dated 13.02.2023]

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned resolution passed by the first respondent in Na.Ka.No.12536/07/Aa1/Th/Veli, dated 17.10.2022 and the impugned notice issued by the second respondent in Na.Ka.No.12536/07/Aa1/Ka.Kumari, dated 09.11.2022 and quash the same.

For Petitioner	: Mr. M.Saravanan
For R1 and R2	: Mr. S.A.Ajmalkhan Standing Counsel
For R3 to R7	: Mr. E.Mohamed Abbas

ORDER

Heard Mr. M.Saravanan, Learned Counsel for the Petitioner and Mr. S.A.Ajmalkhan, Learned Counsel appearing for the First and Second Respondents and Mr. E.Mohammed Abbas, Learned Counsel appearing for the Third to Seventh Respondents and, perused the materials placed on record, apart from the pleadings of the parties.



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2. It has been brought to the notice of the Court that after filing of the Writ Petition, the Petitioner has filed O.A.No.29 of 2023 before the Waqf Tribunal, Chennai challenging the same order which is impugned in the present Writ Petition. In view of the same, the Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition reserving the right of the Petitioner to agitate its rights in the pending application before the Waqf Tribunal and he has also filed a memo dated 14.02.2023 to that effect, which is placed on record.

3. It is also informed that another application in O.A.No.54 of 2022 is relating to the same Waqf is also pending before the Waqf Tribunal, which may be heard along with O.A.No.29 of 2023 in order to avoid conflict of judicial views. In such circumstances, the Waqf Tribunal shall hear the applications in O.A.No.54 of 2022 and O.A.No.29 of 2023 simultaneously and till any order, interim or final, is passed by the Waqf Tribunal in the said applications, the *status quo* as existing today shall be maintained by the parties. It shall be ensured by the Waqf Tribunal that there is atleast one



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effective hearing every week showing progress of the cases and after hearing all parties concerned following the prescribed procedure, reasoned orders shall be passed dealing with each of the contentions raised on merits and in accordance with law.

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

14.02.2023

NCC : Yes/No
Index : Yes/No
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Note: Issue Order Copy on 21.02.2023.

To

1. Tamil Nadu Waqf Board,
Rep. by its Chairman,
No.1, Jaffar Sarang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.

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2. The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffar Sarang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.

Copy to:-

3. Kottar Elankadai Muslim Samuthaya Trust,
Rep. by its Treasurer,
Kottar, Nagercoil,
Kanyakumari District.

4. Janab P. Mohammed Ibrahim,
S/o. Peer Mohammed
67C/118, Parasuram Street,
Idalakudi, Kanyakumari District.

5. Janab M.M.H. Peer Mohammed,
S/o. M. Mohammed Haneefa,
No.7/8, Perumalkulam Street,
Idalakudi, Kanyakumari District.

6. Janab Mathikurrahman
S/o. B. Seihu Mohammed Sahib,
No.43/105, Santhi Street, Idalakudi,
Kanyakumari District.

7. Janab S. Jainul Abdeen
S/o. Sahul Hameed,
No.29/1, Lalpudu Street,
Idalakudi, Kanyakumari District.



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8. Janab A.Ahamed
S/o.Abdul Khadar,
No.56/6, Vembadi Street, Idalakudi,
Kanyakumari District.
- 9.The Tamil Nadu Waqf Tribunal Court,
Kamarajar Salai, Marina Beach Road,
Triplicane, Chennai – 600005.



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P.D.AUDIKESAVALU,J.

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