



W.A.(MD).No.2052 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.12.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD).No.2052 of 2023
and
C.M.P.(MD).No.16394 of 2023

K.M.S.Musthafa Kamal

.. Appellant/Petitioner

Vs.

- 1.The Tamil Nadu Waqf Board,
Represented by its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 009.
- 2.The Superintendent of Waqf/Executive Officer,
Office of the Superintendent of Waqf,
Town Hall Road Masjid,
No.1, Town Hall Road,
Madurai District.
- 3.Hakkim Raja
- 4.H.Shameem Banu
- 5.Town Hall Mosque Management Committee,
Represented by its Mutawalli,
Town Hall Road Masjid,
No.1, Town Hall Road,
Madurai – 1.

.. Respondents/Respondents



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to allow the Writ Appeal and set aside the order dated 23.06.2023 made in W.P.(MD).No.6363 of 2023 on the file of this Court.

For Appellant : Mr.E.Mohamed Abbas

For R-1 & R-2 : Mr.D.S.Haroon Rasheed

For R-3 & R-4 : Mr.B.Pravin Kumar

JUDGMENT

(Judgment of the Court was delivered by V.LAKSHMINARAYANAN,J.)

The present Writ Appeal has been filed challenging the order of the learned Single Judge dated 23.06.2023 passed in W.P.(MD).No.6363 of 2023.

2. The appellant had sought for a Certiorari to quash the Special Resolution passed by the Tamil Nadu Wakf Board dated 30.03.2022. The appellant was the original tenant and the fourth respondent was his sub-tenant. Taking note of the fact that lot of Wakf properties, which had been let out like the case of the appellant, have been sublet, subsequently,



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the Wakf Board had passed Special Resolution dated 30.03.2022. As stated above, the appellant's Writ Petition challenged this resolution.

3. Under Section 83 of the Wakf Act, effective remedy is available by way of a proceedings before the Wakf Tribunal to challenge the resolution. The learned Single Judge taking into consideration that a suit is already pending before the Wakf Tribunal, dismissed the Writ Petition. We have no reasons to differ from the learned Single Judge. It is for the appellant to work out his right in the manner known to law before the Wakf Tribunal.

4. Accordingly, this Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(S.M.S.,J.) (V.L.N.,J.)
12.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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