



W.P. No. 3851 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2024

CORAM

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

W.P. No. 3851 of 2024

and

W.M.P. Nos. 4158 and 4159 of 2024

A.Ayub Khan

... Petitioner

-VS-

1. The Tamil Nadu Waqf Board,
Rep. By its the Chairman,
No. 1, Jaffer Syrang Street,
Vallal Seethakadhi Street,
Chennai – 600 001.
2. The Chief Executive Officer,
The Tamil Nadu Waqf Board,
No. 1, Jaffer Syrang Street,
Vallal Seethakadhi Street,
Chennai – 600 001.
3. The Superintendent of Waqf,
Tamil Nadu Waqf Board,
Kanchipuram/Thiruvallur/Chengalpet Zone,
Big Mosque Complex,
Poonamallee.
4. The Inspector of Waqf,
Tamil Nadu Waqf Board,
Kanchipuram/Thiruvallur/Chengalpet District,
Big Mosque Complex,
Poonamallee.
Chennai – 600 056.
5. The Election Committee President,
Big Kancheepuram Sunnath Jamath Jumma Masjid,
No. 22, Salai Street,
Kancheepuram – 631 502.

... Respondents



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Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records and quash the impugned election proceedings No. 1 of 2024 dated 26.01.2024 on the file of the Fourth Respondent, and direct the First and Second Respondents to consider the Petitioner's representations dated 30.09.2023 and 02.11.2023 and take necessary action.

For Petitioner : Mr. Kanz Mohamedi

For Respondents : Mr. Mohamed Fayaz Ali (for R1 to R4)

ORDER

Heard Mr. Kanz Mohamedi, Learned Counsel for the Petitioner and Mr. Mohamed Fayaz Ali, Learned Counsel, who takes notice for the First to Fourth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. Having regard to the nature of order proposed to be passed in the Writ Petition, which would not cause any prejudice to the Fifth Respondent, notice to him is dispensed with.

3. The Writ Petition has been filed challenging Election Proceedings No. 1 of 2024 dated 26.01.2024 issued by the Fourth Respondent and to consequently



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direct the First and Second Respondents to take necessary action based on the representations dated 30.09.2023 and 02.11.2023 made by the Petitioner.

4. 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 she has made an endorsement to that effect in the court record.

In view of the same, the Writ Petition is dismissed as withdrawn granting such liberty. It is made clear that for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of filing of the Writ Petition, viz., 09.02.2024, till the date on which the certified copy of this order is made ready by the Registry, shall be excluded. Consequently, the connected Miscellaneous Petitions are closed. No costs.

22.02.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 18.04.2024.



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Copy to

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P.D. AUDIKESAVALU, J.

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