



WEB COPY



W.A.No.1338 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2024

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR
AND
THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.A.No.1338 of 2022
and
C.M.P.No.8514 of 2022

S.Md.Saleem

... Appellant/4th Respondent

-VS-

1. Haji R.Abdul Kareem

... 1st Respondent/Petitioner

2. Principal Secretary to Government,
BC, MBC & Minorities Welfare Department,
Government of Tamil Nadu, Secretariat,
Fort St.George, Chennai-600 009.

3. The Tamil Nadu Waqf Board,
Rep. by its Chairman,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

4. The Chief Executive Officer,
The Tamil Nadu Waqf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

5. M.A.Haj Mytheen,
6. E.Ismail,



W.A.No.1006 of 2022

7. Sarfudeen,
8. A.Shiek Dawood

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 28.04.2022 made in W.M.P.No.10585 of 2022 in W.P.No.10862 of 2022.

For Appellant	:	Mr.N.A.Nissar Ahmed, Senior Counsel For Mr.I.Kowser Nissar
For R3 & R4	:	Mr.Hajamohideen Gisti
For R2	:	Mr.V.Manoharan Addl. Govt. Pleader
For R1 & 5 to 8	:	No Appearance

J U D G M E N T

(By D.Krishnakumar,J.)

This Writ Appeal has been filed, challenging the interim order of the learned Single Judge dated 28.04.2022 passed in W.P.No.10862 of 2022 and W.M.P.No.10585 of 2022, by which the learned Single Judge, while dismissing the Writ Petition against the 1st respondent therein / 2nd respondent herein, granted an order of interim stay for six weeks.

2. When the matter is taken up for hearing, it is submitted by the appellant that the contesting respondents herein have suppressed the material fact before this Court that pursuant to the completion of the tenure, the appellant has already taken



W.A.No.1333 of 2024

charge as Muthawalli and he has been discharging the duties of Muthawalli in the Wakf Board and therefore, the interim order granted by this Court is not sustained and is liable to be set aside.

3. Notice has been served on the 1st respondent / Writ Petitioner and there is no representation on behalf of R1. Considering the fact that this Writ Appeal has been filed as against the interim order and keeping the appeal pending without any progress will not serve any purpose, inasmuch as the Writ Petition cannot also be taken up for final disposal in consequence of the order of stay.

4. Hence, this Writ Appeal is dismissed, by giving liberty to all the parties concerned to raise all the grounds before the Single Judge in the pending Writ Petition and cooperate for speedy disposal of the matter without adopting the tactics of procrastination. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K., J.,]

[K.B., J]

25.06.2024

Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order

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W.A.No.1338 of 2022

D.KRISHNAKUMAR,J.,
AND
K.KUMARESH BABU,J.,
ar

To:

The Principal Secretary to Government,
BC, MBC & Minorities Welfare Department,
Government of Tamil Nadu, Secretariat,
Fort St.George,
Chennai-600 009.

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