



WEB COPY



W.P. No. 27500 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2024

CORAM

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

**W.P. No. 27500 of 2023
and
W.M.P. No. 26945 of 2023**

G. Masilamani

... Petitioner

-VS-

1. Puducherry State Waqf Board
No.5, 3rd Floor, Yanam Venkatachalam Pillai Street,
Puducherry 605 001.

2. The Committee of Management – AUQAF,
(Regn No. 10/84-K),
Mastan Sahib Valiyullah Dargah Shareef,
Karaikal – 609 602,
Rep. By its Secretary-
A.M.Sellappa @ Abdul Rahman

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records of the Second Respondent in relation to the order dated 13.09.2023 and quash the same.

For Petitioner : Mr. M.R.Thangavel

For Respondents : Mr. V.Vasanth Kumar,
Additional Government Pleader,
Puducherry (for R1)



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ORDER

WEB COP Heard Mr. M.R.Thangavel, Learned Counsel for the Petitioner, Mr. V.Vasantha Kumar, Learned Additional Government Pleader, Puducherry, appearing for the First Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed challenging the Proceedings dated 13.09.2023 issued by the Second Respondent to the Petitioner cancelling the permission granted to him for cultivation of the land situated in R.S. No. 231/1, Surakudi Village, Tirunallar Taluk, Karikal District.

3. This Court at the time of admission on 15.09.2023 passed an order to maintain *status quo*, which continues to be in force till date.

3. Since the Petitioner has 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 reserving the rights of the Petitioner to resort to the aforesaid procedure, and he has made an endorsement to that effect in the court record.



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In view of the same, the Writ Petition is dismissed as withdrawn with the aforesaid clarification. It is made that clear for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of filing of the Writ Petitions, viz., 15.09.2023, till the date on which the certified copy of this order is made ready by the Registry, shall be excluded. Consequently, the connected Miscellaneous Petition is closed. No costs.

22.02.2024

Index: Yes/No

NCC: Yes/No

Note: (i) Issue order copy by 17.04.2024.

(ii) Registry is directed to return the impugned order under written acknowledgment after retaining a copy of the same for record.

gsa

To

The Puducherry State Waqf Board
No.5, 3rd Floor, Yanam Venkatachalam Pillai Street,
Puducherry 605 001.



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P.D. AUDIKESAVALU, J.

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