



WEB COPY



W.P. No. 35133 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2024

CORAM

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

**W.P. No. 35133 of 2023
and
W.M.P. No. 35123 of 2023**

S.Suresh

... Petitioner

-VS-

1. The Chief Executive Officer,
Tamil Nadu Waqf Board,
No. 1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.
 2. The Big Mosque – Sunnath – Wal – Jamath,
Represented by its President,
Mr. M.A.Mohammed Haneef Ghouse,
Poonamallee,
Chennai – 600 056.
- Respondents

...

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 of the impugned order passed by the First Respondent vide Proc. No. 14851/85/B4/KPM dated 02.11.2023 and quash the same as arbitrary, illegal and against the principles of natural justice and consequently direct the First Respondent dated 01.11.2022 and 04.09.2023 for implementation of the order dated 07.06.2021 of the Tamil Nadu Wakf Board by affording an opportunity of personal hearing to the Petitioner and decide the same in



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accordance with law.

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For Petitioner : Mr. S.Mohan

For Respondents : Mr. Haja Mohideen Gisthi,
Standing Counsel

ORDER

Heard Mr. S.Mohan, Learned Counsel for the Petitioner and Mr. Haja Mohideen Gisthi, Learned Standing Counsel, who takes notice for the Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed challenging the Proceedings No. 14851/85/B4/KPM dated 02.11.2023 rejecting the representation dated 01.11.2022 made by the Petitioner under the Waqf Act, 1995 (hereinafter referred to as 'the Act' for short) for leasing out of property of the Waqf and consequently direct the First Respondent to consider the representations dated 01.11.2022 and 04.09.2023 made by the Petitioner for implementation of the Order No. Se. Mu. Aanai: 14851/85/Aa4/Thiloor dated 07.06.2021 passed by the First Respondent.



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3. Learned Counsel for the Petitioner states that in respect of same matter, the Petitioner has filed O.A. No. 92 of 2023 before the Tamil Nadu Waqf Tribunal (hereinafter referred to as 'the Tribunal' for short) under Section 83 of the Waqf Act, 1995, and the matter is posted for next hearing on 03.01.2024. He further submits that the Petitioner would be satisfied if the same is disposed expeditiously and a memo dated 02.01.2021 has been filed to that effect.

4. Having regard that the aforesaid submission made, it shall be incumbent upon the Tribunal, after issuing due notice to all parties concerned, to conduct enquiry following the prescribed procedure in consonance with the principles of natural justice, and pass reasoned orders dealing with each of the contents raised on merits in accordance with law. If the Tribunal is not able to take up the matter for final hearing, the application seeking interim orders shall be heard expeditiously and orders passed thereon, preferably within a period of two weeks from the date of next hearing. It is needless to add here that no view has been expressed by this Court on the merits of the controversy involved in the matter.



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In the result, the Writ Petition is disposed on the aforesaid terms.

Consequently, the connected Miscellaneous Petition is closed. No costs.

02.01.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy on 02.01.2024.

gsa

To

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



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P.D. AUDIKESAVALU, J.

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