



W.P.(MD) No.27987 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.27987 of 2024

and

W.M.P.(MD) Nos.23745 to 23747 of 2024

1.Pathar Nisha

2.P.Mohammed Iliyas

.. Petitioners

Vs.

1.The Tamil Nadu Waqf Board,
Rep., through its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai.

2.The Tamil Nadu Waqf Board,
Rep., through its Chairman,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai.

3.The Superintendent of Waqf,
Tirunelveli.

4.Kattu Bava Sahib Pallivasal @ Peer
Mohammed Sahib Pallivasal,
Rep., by the president of Ad hoc Committee,
Madurai to Tirunelveli Main Road,
Gangaikondan, Tirunelveli.



W.P.(MD) No.27987 of 2024

WEB COPY

5.Kattu Bava Sahib Pallivasal @ Peer,
Mohammed Sahib Pallivasal,
Rep., by the Secretary of Ad hoc Committee,
Madurai to Tirunelveli Main Road,
Gangaikondan, Tirunelveli.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed in Na.Ka.No. 10808/07/Aa1/T.Veli, dated 15.10.2024 by the 3rd respondent, quash the same as illegal and in violation of Principles of Natural Justice and consequently approve the petitioners as hereditary Muthawalli of the Kattu Bava Sahib Pallivasal @ Peer Mohammed Sahib Pallivasal by succession.

For Petitioner	:	Mr.R.M.Suresh
For R1 to R3	:	Mr.S.A.Ajmalkhan
For R4 & R5	:	Mr.M.M.Khaleel

ORDER

This writ petition has been filed challenging the resolution of the Board rejecting the request of the petitioner for approval of his appointment as Muthawalli.



W.P.(MD) No.27987 of 2024

WEB COPY

2. Against the said order, the petitioner has got an effective alternate remedy under Section 83 of the Wakf Act, 1995. Hence, this Writ Petition is not maintainable and is liable to be dismissed. However, liberty is given to the petitioner to approach the Wakf Tribunal by invoking the provisions of Section 83 of the Wakf Act.

3. With the aforesaid liberty, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

25.11.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

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



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W.P.(MD) No.27987 of 2024

K.KUMARESH BABU, J.

abr

2.The Chairman,
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai.

3.The Superintendent of Waqf,
Tirunelveli.

W.P.(MD) No.27987 of 2024

Dated: 25.11.2024
(2/2)