



W.A.(MD).No.2502 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH  
AND  
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.A.(MD).No.2502 of 2024  
and  
C.M.P.(MD).No.17562 of 2024

A.Ali Akbar,  
Managing Trustee,  
Mohideen Aandavar, Puradhana Dargah and Pallivasal,  
Mina Noordooen Puradhana Dargah and Pallivasal Wakf,  
Therkuvasal, Madurai District – 101102,  
Chinnakadai Street,  
Therkuvasal, Madurai.

... Appellant/Petitioner

Vs.

- 1.The Tamil Nadu Wakf Board,  
Represented by its Chief Executive Officer,  
No.1, Jaffer Syrang Street,  
Vallal Seethakathi Nagar,  
Chennai – 1.
- 2.The Wakf Superintendent/Executive Officer,  
Madurai Wakf Board Office Circle,  
Tamil Nadu Wakf Board,  
Madurai.

... Respondents/Respondents

**PRAYER:** Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 25.11.2024 and made in W.P.(MD).No.28132 of 2024 by this Court.



W.A.(MD).No.2502 of 2024

For Appellant : Mr.M.A.Nissar Ahmed  
Senior Counsel  
for Mr.I.Kowser Nissar

For Respondents : Mr.D.S.Haroon Rasheed  
Standing Counsel

### **JUDGMENT**

**(Judgment of the Court was made by M.S.RAMESH,J.)**

The present Writ Appeal has been filed challenging the order of the learned Single Judge in W.P.(MD).No.28132 of 2024 dated 25.11.2024.

2. The order passed in the Writ Petition, relegating the appellant to file an appeal under Section 64(4) of the Wakf Act before the Wakf Tribunal, cannot be found fault with, since it is a statutory appeal and invoking Article 226 of the Constitution of India without exhausting the appellate remedy is impermissible.

3. The only apprehension of the learned Senior Counsel for the appellant is that the post of Presiding Officer at the Wakf Tribunal is vacant. However, the learned Standing Counsel appearing for the Wakf Board would submit that a Presiding Officer has been appointed on 04.12.2024. While that being so, there cannot be any impediment for the appellant to approach the Tribunal for filing an appeal.



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4. Accordingly, liberty is hereby granted to the appellant to file an appeal under Section 64(4) of the Wakf Act, within a period of one (1) week from the date of receipt of a copy of this order. Till such time, the parties shall maintain *status quo*.

5. With the above liberty, the Writ Appeal stands closed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(M.S.R.,J.) (A.D.M.C.,J.)  
05.12.2024

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
Lm

**Note: Issue order copy by 06.12.2024**



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**M.S.RAMESH,J.**  
**and**  
**A.D.MARIA CLETE,J.**

Lm

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