



W.P.No.9146 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 17.03.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.9146 of 2025
& W.M.P.Nos.10247 & 10248 of 2025

Alhaj Haji S.Y. Mohammed Ali,

... Petitioner

/versus/

1. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethalakshmi Nagar,
Chennai 600 001.

2. The Superintendent,
Tamil Nadu Wakf Board,
No.8, Bahadhusa Masjid Campus,
Sainathapuram,
Vellore.632001.

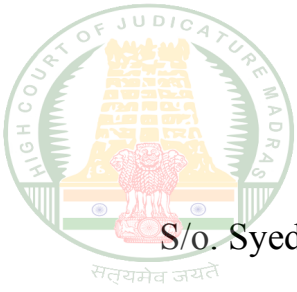
3. Janab. Syed Jalaluddin,
S/o.Late Syed Shah Wajiuddin (A) Hazarat Piran.

4. Janab. Riazuddin,
S/o. Late Syed Qutbuddin,

5. Janab. Syed Ahmad Piran,
S/o. Syed Shah Wajiuddin (A) Hazrat Piran (late)

6. Janab. Syed Nizamuddinn,

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S/o. Syed Shah Wajiuddin (A) Hazrat Piran (late)

7. Janab. Nasiruddin,
S/o Late Syed Moinuddin
Respondents 3 to 7 are residing at
No.2D, Bade Sahib Street,
Thalayatham,
Gudiyatham Town,
Vellore District 632 602

... Respondents

Prayer: Writ Petition has been filed under Article 226 of Constitution of India, Writ of Certiorarified Mandamus, to calling for the entire records pertaining to the proceedings in Ref.Se.Mu.Proc.No. 8389/95/Aa7/Ve, dated 30.10.2024 passed by the 1st respondent and quash the same as illegal violative and against the provisions of the Wakf Act and Rules and approve the committee formed on 13.09.2024 for the petitioner's mosque and Darga.

For Petitioner : Mr.K.Mohanamurali

For Respondents : Mr.Mohammed Fayaz Ali
for R1 & R2
: Ms.A.Ajimath Beema, for R3 to R7



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ORDER

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The writ petition is filed challenging the impugned order dated 13.10.2024. By the said order, the respondents 3 to 7 were appointed as Muthavalli.

2. The contention of the petitioner is that there has been several previous litigations and all along the Board has been taking a stand that these respondents are not the ones who have inherited the office of the Muthavalli and suddenly they have turned volte face and have appointed the respondents 3 to 7 and therefore, the petitioner is before this Court.

3. When the matter came up for admission, Mohammed Fayaz Ali, Learned Counsel appearing on behalf the Wakf Board, Ms.A.Ajimath Beema, Learned Counsel taking notice on behalf the respondents 3 to 7 would submit that the petitioner has got an alternative remedy by way of approaching the Wakf Tribunal under Section 83 of the Wakf Act 1995. The Learned Counsel would submit that in the facts and circumstances case where there are numerous orders that are passed by this Court on the earlier occasions, this is not the fit case where



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the petitioner should be relegated to the alternative remedy.

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4. I have considered the said submissions made on either side and perused the material records of the case. The petitioner has got an effective alternative remedy by way of approaching the Wakf Tribunal under Section 83 of the Wakf Act 1995. There is also provision to pray for such interim order as the petitioner may deem fit. Therefore, when there is an effective alternate remedy, this Court need not entertain this writ petition. The only difficulty for the petitioner is that the appeal should have been filed within a period of 30 days and it is the contention of the learned counsel for the petitioner that the order was not served on the petitioner immediately.

5. I am not going into the said contentious factual dispute. However, considering the period of delay, I am of the view that when there is a provision for condonation of delay, this Court can direct that the appeal be taken on file on merits by condoning the delay. In view thereof, this writ petition is disposed of on the following terms.

(i) The petitioner shall file an appeal under Section 83 of the Wakf Act



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as against the order dated 30.10.2024, within a period of two weeks from the date

of receipt of the web copy of the order without waiting for the certified copy of the order.

(ii) As and when such an appeal is filed, the same shall be taken on file as within the period of limitation and the same shall be considered in accordance with law by issuing notice to both parties and decided in the manner known to law.

(iii) Needless to mention that the petitioner will also be entitled to pray for such interim relief as may be permissible under law before the Wakf Tribunal.

6. Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs.

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3. The Government Pleader, High Court, Madras.



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