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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**WP No. 31847 of 2025
and WMP Nos. 35657 & 35659 of 2025**

Rahmathullah

Petitioner(s)

Vs

1. The Tamil Nadu Waqf Board,
Rep by its Chief Executive Officer,
No. 1, Jaffar Syrang Street,
Vallal Seethalakathi Nagar,
Chennai -600001.

2.The Superintendent of Waqf,
Tamilnadu Waqf Board,
Kuthanallur, Thiruvarur

3.T.M I. Abdul Salem

4.A.S. Mohamed Aaribu

5.K.M. Mohamed Iqbaldeen

6.P.S Abdul Mohamed,

7.K.A. Abdul Azeez

Respondent(s)



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PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Resolution Na.Ka. No.10275/00/AA7/Thiru dated 17.04.2025 passed by the 1st respondent under Section 64 (1) (i) and (j) of the Waqf Act, 1995 in respect of Koothanallur Periya Pallivasal, along with Gazette Notification dated 28.08.2024, and quash the same as being arbitrary, illegal and in violation of the principles of natural justice.

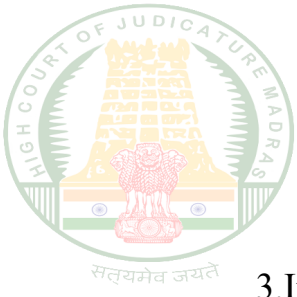
For Petitioner(s): Mr.A.Rajamohamed

For Respondent(s): Mr.Abdulmubeen
Standing Counsel for R1 and R2

ORDER

This writ petition has been filed challenging the impugned Resolution dated 17.04.2025 passed by the 1st respondent under Section 64(1)(i) and (j) of the Wakf Aft, 1995 and also the Gazette Notification dated 28.08.2024 as arbitrary, illegal and in violation of principles of natural justice.

2.Heard Mr.A.Rajamohamed, learned counsel appearing on behalf of the petitioner and Mr.Abdul Mubeen, learned Standing Counsel appearing on behalf of respondents 1 and 2.



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3. In the considered view of this Court, as against the impugned Resolution passed by the 1st respondent, the petitioner has an efficacious alternative remedy to approach the Wakf Tribunal or can choose to file an appeal before the Government under Section 65(2) of the Act.

4. In view of such an alternative remedy available to the petitioner, this Court is not inclined to entertain the writ petition.

5. The learned counsel for the petitioner submitted that even before the petitioner could avail an alternative remedy, election notification has been issued and therefore, some safeguard must be given to the petitioner before the petitioner approaches the concerned forum.

6. In the considered view of this Court, a Writ Court cannot be used for the purpose of getting an interim order when the substantive relief is before a different forum. The law on this issue is now too well settled. In view of the



same, liberty is granted to the petitioner to approach the appropriate forum and immediately file the appeal. It is also left open to the petitioner to seek for appropriate interim order which will be considered on its own merits and in accordance with law.

7.This writ petition is disposed of in the above terms. No Costs.

Consequently, connected miscellaneous petitions are closed.

22-08-2025

Note: Issue Order Copy Today (ie., 22.08.2025)

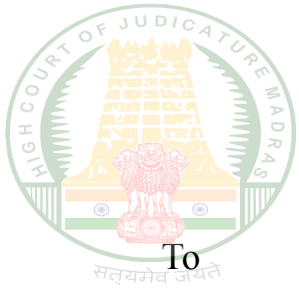
Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

SSR



To

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2. The Superintendent of Waqf,
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N.ANAND VENKATESH J.

SSR

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