

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24-06-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.18166 of 2015

A.Thajudeen

.. Petitioner

vs

1.Needur-Neivasal Jammia Masjid

Rep. By its Muthavalli

Mosque Street

Needur Post

Mayiladurai Taluk

Nagapattinam District

2.The Tamil Nadu Wakf Board

Rep. By its Chief Executive Officer

No.1, Jaffar Syrang Street

Mannady, Chennai 600 001

3.The Wakf Superintendent

Thanjavur

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 2 and 3 to fix a date for election and to conduct it by way of secret ballot system.

For Petitioner : M/s.A.Ajimath Begam

For Respondents : Mr.V.Lakshminarayanan
for RR2 & 3

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ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner would state that the first respondent Masjid is the oldest Masjid in the locality, consisting of more than 3,000 Jamathars and the said Wakf is deriving income out of it's land and is also receiving a rental income for the maintenance of the said Masjid and apart from it, all the Jamathars would pay subscription to the Wakf and the petitioner is also one among the Jamathars and also a person interested in the wellbeing of the Wakf.

3.It is further stated by the petitioner that the first respondent is managed by the Jamath Committee, which consists of Muthavalli, trustee and 8 panchayatars, and the tenure is for three years and by custom, it has been selected once in three years.

4.According to the petitioner, the members of the Jamath Committee managed to hold office permanently by influencing the Jamathars, without resorting to fair electoral practices and it was also brought to the knowledge of the second respondent, who, vide memo dated 8.4.2010, has directed the Superintendent of Wakf viz. the third respondent herein, to conduct secret ballot to elect the Jamath Committee. It is also stated by the petitioner that the petitioner, on an earlier occasion, approached this Court by filing W.P.No.2583/2012 praying for appropriate direction directing the respondents 2 and 3 herein to fix a date for election and conduct the same by way of secret ballot and vide order dated 19.3.2012, this Court, after taking note of the fact that the third respondent has already been appointed as the Election Officer for the purpose of conducting secret ballot election, has closed the writ petition.

5.Now, the grievance expressed by the petitioner, is that the time of office of the present Office Bearers is expiring very shortly and once again, under the guise of influencing the Jamathars, they want to hold the post and in this regard, the petitioner submitted a representation dated 14.6.2015, to the first respondent praying for conducting the election by resorting to secret ballot.

6.The learned Counsel appearing for the petitioner, would submit that in the interest and welfare of the Wakf, this Court may order election to be conducted by secret ballot and prays for appropriate orders.

7.Per contra, Mr.V.Lakshminarayanan, the learned Standing Counsel, who accepted notice on behalf of the respondents 2 and 3, would contend that the term of office of the present members is going to expire very shortly and as on today, no decision has been taken, as to whether the election is to be conducted based upon the majority opinion of the Jamathars, and a direction may be issued to the second respondent to dispose of the representation within a stipulated time frame.

8.This Court has carefully considered the rival submissions and also perused the materials placed before it.

9.The petitioner has prayed for a larger relief; but, in the facts and circumstances of the case, this Court is of the considered view that it would suffice to direct the second respondent to consider and dispose of the petitioner's representation in accordance with law, within a stipulated time.

10.In the result, the writ petition is disposed of and the second respondent is directed to consider and dispose of the representation dated 14.6.2015, submitted by the petitioner, in accordance with law, after putting on notice, the persons concerned, within a period of eight weeks from 19.7.2015 as the Holy Ramzan Fast is being observed till that date. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsv

To:

- 1.The Chief Executive Officer
Tamil Nadu Wakf Board
No.1, Jaffar Syrang Street
Mannady, Chennai 600 001
- 2.The Wakf Superintendent
Thanjavur

+1cc to Mr.A. Ajimath Begam, Advocate, S.R.No.31232

KSJ(CO)
EU(07/07/2015)

W.P.No.18166 of 2015

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