

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.8582 of 2015
and M.P.No. 1 of 2015

S.Mohammad Safiudeen

... Petitioner

vs.

1. The Chairman,
Tamil Nadu Wakf Board,
No.1 Jafar Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.
2. The Chief Executive Officer
Tamil Nadu Wakf Board,
1 Jagar Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.
3. The Secretary
Thittacherry Muslim Voor Uravin Murai Wakf,
Nirvaga Sabai,
Thittacherry - 609 703
Nagapattinam Taluk & Dist.
4. The Superintendent,
Tamil Nadu Wakf Board,
27, Needi Nagar Court Road,
Thanjavur.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus by directing the respondents to stop the elections to select the administrative members for Wakf Nirvaga Sabai to be held on 28.3.2015

For Petitioner : Mr.M.J.Sundar

O R D E R

Heard Mr.M.J.Sundar, learned counsel for the petitioner.

2. The petitioner has filed this writ petition praying for a issuance of Writ of Mandamus to direct the respondents to stop the elections to select the administrative members for the Wakf Nirvaga Sabai to be held on 28.03.2015.

3.The petitioner would state that the Thittacherry Mosque was constructed in the year 1862 and several crores of rupees were donated by the Nawabs, Kings and persons who are interested in social activities. The petitioner states that the former President of the Mosque grabbed the lands belonging to the mosque and in this regard, the case is pending.

4.It is further stated that there are many WAKF properties in the hands of the private persons and no action has been taken. The petitioner further states that without conducting elections properly for about three years, he has syndicated his firm for selecting the members, on account of which, the interest of Jamath is affected and losing its income and the fourth respondent, who is the Superintendent of the Tamil Nadu Wakf Board at Tanjore is a silent spectator and also indirectly supporting malpractices. Further, it is stated that the fourth respondent is not properly conducting the election and he is selecting the members of his own choice.

5.There is a further allegation made that by using the name of the mosque, the lease has been granted to a R.D.S. Readymix Company owned by one Mr.Saravanan and money received from him have been not accounted for.

6.Further, the petitioner was informed by certain persons that who are claimed to be the Secretary and President of Wakf Nirvaga Sabai are said to have been selected without conducting any election and without conducting any General Body Meeting. Therefore, it is submitted that the Jamath has been administered improperly and no proper elections have been conducted.

7.Therefore, the petitioner seeks for a direction to the respondents to stop the election. Admittedly, the elections have been informed by Notification dated 17.03.3015 and the petitioner is

aware of the same and the copy of the notification is filed in the typed set of papers. From the notification, it is seen that the election schedule has been published and the election process has started from 24.03.2015 at 5.00 p.m.

8. In such circumstances, no Writ of Mandamus can be issued to stop or interdict the election process, as this being a settled legal position. Therefore, the prayer sought for by the writ petitioner cannot be granted. If at all the petitioner is in grievance as regards the manner in which the elections were conducted and if he has got any grievance in selection of the candidates, the only remedy advisable to the petitioner is to challenge the same after the election process is over.

9. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

dp/ds

To

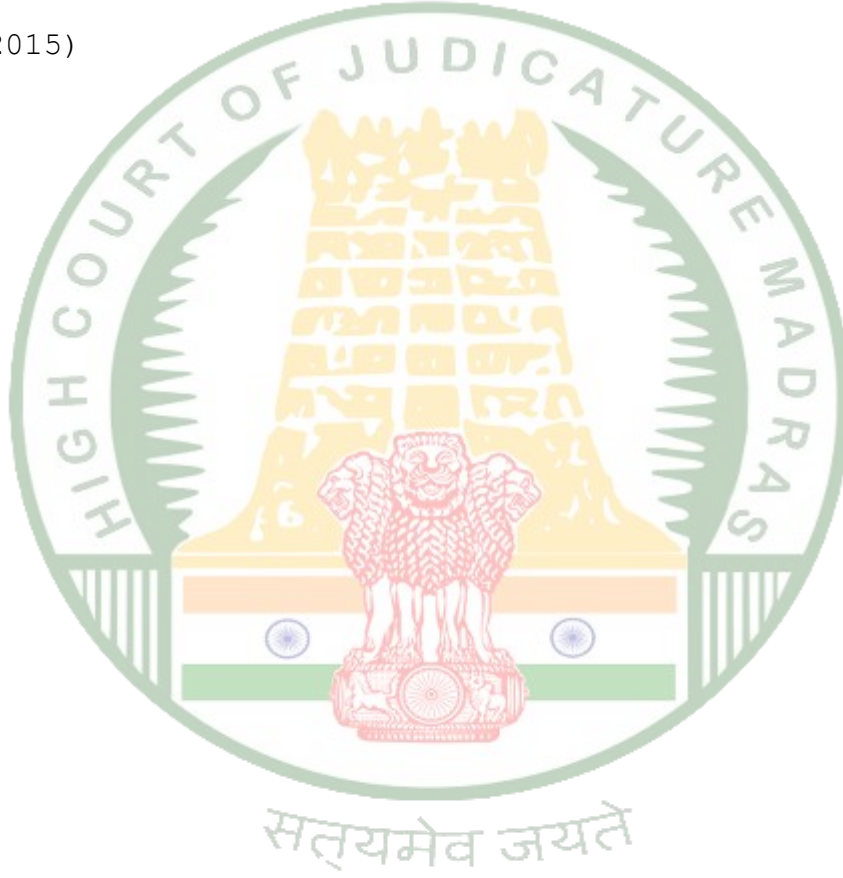
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Thanjavur.

+1cc to M/s.M.J.Sundar, Advocate, S.R.No.17288
+1cc to M/s.V.Raghavachari, Advocate, S.R.No.17099

W.P.No.8582 of 2015

AD(CO)
CA(01/04/2015)



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