



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2015

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THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. (MD) No. 2367 of 2014

and

M.P (MD) No. 2 of 2014

1. Mohamed Kaja Faizal

2. Pakkir Annavi

3. Rajab Mohamed

4. Gowthul Alam

5. Ismail

... Petitioners

Vs.

1. The Tamil Nadu Wakf Board,
represented by its
chief Executive Officer,
No. 1, Jaffar Syrang Street,
Vallal Seethakadhi Nagar,
Chennai - 600 001.

2. The Superintendent,
Tamil Nadu Wakf Board,
54/15, S.N. High Road,
Tirunelveli - 1.

3. The Superintendent of Police,
Tirunelveli at Palayamkottai
Tirunelveli 627 002.

4. Syed vajit
Son of Kaja Mohideen,
Inspector,
Tamil Nadu Wakf Board,
54/15, S.N. High Road,
Tirunelveli-1.

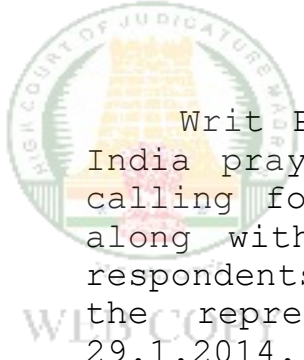
5. Sendu @ Mohammed Ismail

6. Sulaiman Nabi Pallivasal Jamad,
represented by its President

<https://hcservices.scribd.com/document/251111111/1>

Tirunelveli District.

... Respondents



Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the sixth respondent dated 24.1.2014 along with Voters List and quash the same and to direct the respondents 1 and 2 to finalize the voters list after considering the representation of the Petitioners dated 21.11.2013 and 29.1.2014.

For Petitioners : M/s.M.Senthil Kumar

For Respondents : Mr.K.K.Senthil
1 and 2

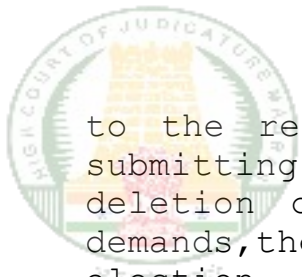
For Respondent-3 : Mr.K.Guru
Addl.Govt.Pleader

For Respondent-5 : M/s.K.Hemakarathikeyan

ORDER

This writ petition has been filed for a Writ of Certiorarified Mandamus calling for the records of the sixth respondent, dated 24.1.2014 along with Voters List and quash the same and to direct the respondents 1 and 2 to finalize the voters list after considering the representation of the Petitioners, dated 21.11.2013 and 29.01.2014.

2.It is the case of the first petitioner that the sixth respondent Pallivasal situated in Senkottai Town. The second respondent has issued a notification on 15.11.2013 stating that the first respondent has decided to elect a Jamath Committee through secret ballot and that the male members of the Muslim society, who completed 18 years are eligible to vote. While so, the fourth respondent herein tried to capture the power by one way or other. Moreover, the present Treasurer of the sixth respondent Jamath has not submitted the accounts in-spite of repeated requests and he is only a henchman of the fourth respondent herein. Further, it is submitted that after verification of voters list, the worshippers of the sixth respondent Pallivasal sent a representation on 21.11.2013 to the respondents 1 and 2 stating that the eligible voters belonging to Senkottai Town are not included in the voters list and that who are residing outside Tenkasi and who are not eligible are inducted into the voters list. On 24.01.2014, the second respondent issued a election notification declaring the election schedule and also states that the official voters list will be published on the same day. The second respondent has not considered the representation sent by the first petitioner and others for the purpose of including the names and also to delete certain names. On seeing the election notification, the first Petitioner sent another representation



to the respondents 1 and 2 on 29.01.2014 for the purpose of submitting the accounts of the Pallivasal and for inclusion and deletion of voters from the voters list. In spite of repeated demands, the second respondent is bent upon to conduct the election. Hence the Petitioners are before this Court.

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3. Heard the learned counsel on either side.

4. Though the prayer in the Writ Petition is for a larger relief, the learned counsel for the Petitioners submits that it would suffice to permit each and every individual members to go before the authority and submit their applications for consideration, to be included in the voters list for which there may not be any impediment for the respondents 1 and 2.

5. In view of the said submission, the individual members are directed to approach the authorities concerned along with their applications within a period of six weeks from the date of receipt of a copy of this order and on receipt of such applications, final voters list shall be made ready by the respondents 1 and 2.

6. The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub-Assistant Registrar

To

1. The Chief Executive Officer,
The Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakadhi Nagar, Chennai - 600 001

2. The Superintendent,
Tamil Nadu Wakf Board, 54/15. S.N. High Road,
Tirunelveli -1.

3. The Superintendent of Police,
Tirunelveli at Palayamkottai
Tirunelveli 627 002.

+One cc to M/s.K.Hemakarthiskeyan, Advocate, SR.No.33092

+One cc to M/s.M.Senthilkumar, Advocate, SR.No.32967

+One cc to The Special Government Pleader, SR.No.32853

vsn

RL/7c - 1/7/2015

W.P. (MD) No.2367 of 2014
and

M.P (MD) No.2 of 2014