

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.01.2016

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P. No.28432 of 2015
& M.P.Nos.1 to 5 of 2015

Haji S.A.Shaik Meeran Sahib

.. Petitioner

Vs.

- 1.The Chief Executive Officer,
Tamil Nadu Wakf Board,
Vallal Seethakathi Nagar,
Chennai - 600 001.
 - 2.The Superintendent of Wakf,
Nagapattinam District, Nagapattinam.
 - 3.President, Nagore Dargah Advisory Board
& Election Office,
Nagore Dargah Office,
Nagore - 611 002,
Nagapattinam District, Tamil Nadu.
 - 4.Haji Kazi S.A.Shaik Hasan Sahib
The Managing Trustee,
Rep.by its Board of Trustees,
Nagore Dargah Office,
Nagore - 611 002.
Nagapattinam District.
 - 5.The Manager,
Nagore Dargah Office,
Nagore - 611 002.
Nagapattinam District.
 - 6.M.I.Abdul Kasim Sahib
 - 7.H.M.Noorudeen Sahib
 - 8.S.S.Jaleel Sahib
 - 9.S.Saha Syed Sahib
 - 10.Haji M.Y.Gulam Dastagir Nana Sahib
 - 11.Haji S.T.H.Abdul Samad Sahib
- [R-6 to R-11 are impleaded as per order
dated 09.12.2015 in M.P.Nos.2 to 4 of 2015
in W.P.No.28432 of 2015]

.. Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Election Notification issued dated 01.09.2015 by the third respondent and quash the same and consequently direct the first and second respondent to initiate fresh election process to the Nagore Dargah Advisory Board after revising the electoral rolls by the procedure established by law.

For Petitioner : Mr.M.Abdul Razack
For Respondent Nos.1 & 2 : Mr.V.Lakshminarayanan
For Respondent No.3 : Mr.Manisundar
For Respondent Nos.4 & 5 : Mr.Srinath Sridevan
For Respondent No.6 : Mr.M.Rajasekar
For Respondent Nos.7 & 8 : Mr.B.Abdul Samadh
For Respondent Nos.9 to 11 : Mr.A.Mohamed Ismail
For Proposed Respondent : Mr.C.R.Malarvannan

O R D E R

This Writ Petition has been filed by the petitioner claiming to be a voter and Kasupangudars with the grievance that there is a discrepancy in the voters list in excluding his name as a voter.

2.It appears that the petitioner was permitted to vote. Hence, the learned counsel appearing for the petitioner submitted that nothing more survives for adjudication.

3.However, the learned counsel appearing for the respondents 1 and 2 submitted that there is a civil suit pending in O.S.No.32 of 2014 in which there is a prohibitory order against the writ petitioner. Learned counsel appearing for the sixth respondent also submitted that he has also filed an application in the same decree. The other learned counsels submitted that misrepresentation has been made before the Civil Court.

4.This Court is not willing to go into the other issues. Suffice it to state that the issue of entitlement of the petitioner as a voter and Kasupangudar is not before this Court. Therefore, the order passed by this Court has got no relevancy to the said issue. The said issue can either be decided by the Civil Court before whom the civil suit is pending or before the appropriate authority including the Election Officer, as the case may be. Suffice it to state that nothing survives in this Writ Petition for adjudication any more.

5.With the above said observations, the Writ Petition is closed, based upon the statement made by the learned counsel for the petitioner. The other issues sought to be raised by the other learned counsels appearing for the respondents are not gone into and are left open. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

sri

To

1.The Chief Executive Officer,
Tamil Nadu Wakf Board,
Vallal Seethakathi Nagar,
Chennai - 600 001.

2.The Superintendent of Wakf,
Nagapattinam District, Nagapattinam.

- 1 cc to Mr.V. Raghacachari, Advocate, Sr. 1543
- 1 cc to Mr.M. Rajasekhar, Advocate, sr. 1501
- 2 ccs to Mr.B. Abdl Samath, Advocate, sR. 1444
- 3 ccs to Mr.A. Mohamed Ismail, Advocate, Sr. 1445
- 1 cc to MR.Manisundar Gopal, Advocate,sr. 1429
- 1 cc to Srinath Sridevan, Advocate,Sr. 2031
- 1 cc to Mr.N. Mohideen Basha, Advocate, Sr. 1627

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