

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.24911 of 2016

M.Anwar

... Petitioner

Vs.

1. The Tamil Nadu Waqf Board
Rep by its Chief Executive Officer
No.1 JafferSyrang Street,
Valla Seethakadhi Nagar,
Mannady, Chennai-600 001.
 2. The Butt Road Jumma Masjid Waqf
Represented by its Secretary,
No.5/64, Butt Road,
St.Thomas Mount,
Chennai-16
 3. K.A.Shabudeen
 4. S.Jawahar Ali
- Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to consider petitioners representation dated 01.07.2016 and conduct election to the 2nd respondent waqf by way of secret ballot after finalizing the voters list among the four wards of the St.Thomas Mount Cantonment board.

For Petitioner : M/s.A.Ajimath Begam

For Respondents : Mr.V.Lakshminarayanan for R1

ORDER

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

2.The petitioner would state that the second respondent Waqf is a surveyed and notified Waqf with G.S.No.186/CGT and registration no.64/CGT and it is under the supervisory control of the first respondent herein and it is a public Waqf and the object of the Waqf is for offering daily and Jumma prayer. According to the petitioner, the rule of succession to the

office of Muthawalli to the Waqf is hereditary by custom and ever since 1995, the first respondent has been selecting a committee consisting of 23 members to look after and administer management of the Waqf.

3.The petitioner would further state that the Waqf board also own extensive and valuable properties and alleging mis-management at the hands of the present office bearers, he has submitted a representation dated 01.07.2016, to the first respondent to conduct election to the second respondent Waqf by way of secret ballot and since no orders have been passed, came forward to file this writ petition.

4.The learned counsel appearing for the petitioner would submit that since the present office bearers continue to mis-manage the affairs and they are likely to be get elected in the next election also, the adoption of secret ballot is absolutely necessary for the interest and welfare of the Waqf and prays for appropriate orders.

5.Per contra, Mr.V.Lakshminarayanan, learned Standing Counsel who accepts notice on behalf of the first respondent on instructions, would submit that as per the normal procedure, a general body meeting will be convened and the office bearers should be elected and accordingly, notification has also been issued, calling for convening of the general body meeting on 24.07.2016 and therefore, the prayer sought for by the petitioner has already been acceded to and therefore, there is no necessity for considering the representation submitted by the petitioner, as the petitioner himself is one of the members of the Waqf in question and however, according to the first respondent, he is acting as the Secretary of the Waqf.

6.In the light of the said submission made by the learned Standing Counsel appearing for the first respondent on instructions, this Court is of the view that no further orders are necessary in this writ petition and if the petitioner is aggrieved by the election of the office bearers in the ensuing general body meeting to be held on 24.07.2016, it is always open to the petitioner to work out his remedy in accordance with law, before the competent forum.

7.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Executive Officer
Tamil Nadu Waqf Board
No.1 JafferSyrang Street,
Valla Seethakadhi Nagar,
Mannady, Chennai-600 001.

2. The Secretary,
Butt Road Jumma Masjid Waqf
No.5/64, Butt Road,
St.Thomas Mount,
Chennai-16

+1cc to M/s.A.Ajimath Begam, Advocate, S.R.No.41037

W.P.No.24911 of 2016

AD(CO)
CA(04/08/2016)



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