

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.11.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WP.No.41140/2016

Muslim Sunnath Jamath Majith
rep.by its President/Muthavalli
A.N.Gulbeer

Petitioner

Versus

- 1.The Principal Secretary
Tamil Nadu Wakf Board
No.1, Jaffar Sirang Street
Vallal Seethakadhi Nagar
Mannadi, Chennai-1.
- 2.The Superintendent/Election Officer
Tamil Nadu Wakf Board, No.15-16,
Pallivasal Complex, Avinashi Road
Uppilipalayam, Coimbatore-18.
- 3.Syed Moideen
- 4.A.D.Rabitheen

Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 and 2 to consider and pass orders on merits by disposing the written representation made by the petitioner on 14.11.2016 within a stipulated time to be fixed by this Court.

For Petitioner :
Mr.C.Prakasam
For RR 1 & 2 :
Mr.V.Lakshmi Narayanan
Standing Counsel

ORDER

Heard the learned counsel for the petitioner and Mr.V.Lakshmi Narayanan, learned Standing Counsel who accepts notice on behalf of the respondents 1 and 2 and with the consent

on either side, the writ petition is taken up for final disposal.

2 The grievance expressed by the petitioner is that election for the Sunnath Jamath Pallivasal, Ammapettai, Anthiyur Taluk, will be conducted once in three years and that the petitioner was holding the post of Muthavalli for the period from 2009 to 2012 and subsequently, no election was conducted. To the shock and surprise of the petitioner, the 3rd respondent herein came to the Jamath and held the election on the same day without even issuing prior notice to the persons concerned and selected the 4th respondent as Muthavalli, who is a tenant of the said Pallivasal. It is the contention of the petitioner that the 3rd respondent did not follow any of the procedure contemplated by the Wakf Board and conducted the election according to his whims and fancies and that he had elected the 4th respondent for his personal benefits. The representation submitted to the respondents 1 and 2 on 14.11.2016 also did not evoke any kind of response. Hence, the petitioner is constrained to approach this Court, by filing the present writ petition.

3 Considering the limited scope of prayer sought for by the petitioner, this Court, in the light of the above facts and circumstances and without going into the merits of the representation of the petitioner dated 14.11.2016, directs the respondents 1 and 2 to consider and dispose of the said representation on merits and in accordance with law after issuing notice to the respondents 3 and 4 and pass orders within a period of one month from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the respondents 3 and 4.

4 The writ petition stands disposed of with the above direction. No costs.

-Sd/-
Asst.Registrar

/true copy/

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Sub Asst. Registrar

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To

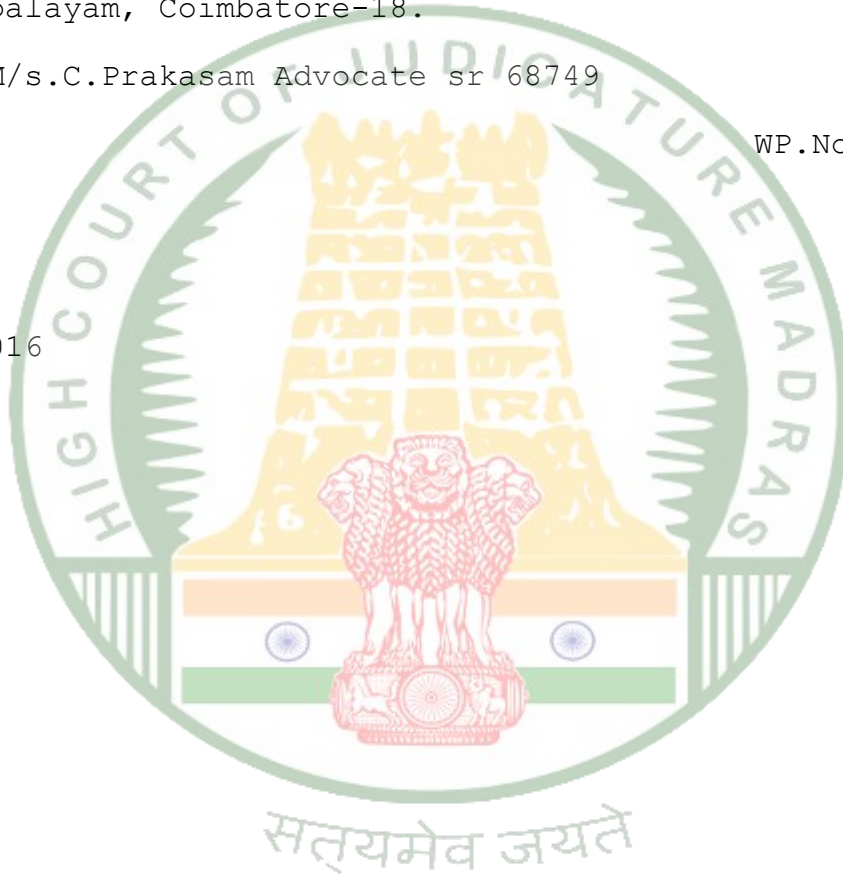
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+1 cc to M/s.C.Prakasam Advocate sr 68749

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