

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.5158 of 2016
& W.M.P.No.4527 of 2016

Mr.S.K.Javed

.. Petitioner

Vs.

1. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Sarang Road,
Seethakathi Nagar,
Chennai-600 001.
2. The Superintendent of Wakf, Salem-1.
3. Shahbudeen
4. S.Riyaz
5. H.Raqeeb

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to forbear the respondents 1 and 2 herein from conducting the election in Wakf of Masjid-e-Aksha, London Pet, Krishnagiri, on 14.02.2016 or on any other day, without considering the objections of the petitioner, dated 30.12.2015.

For Petitioner : Mr.G.Surya Narayanan

For Respondents : Mr.V.Lakshmi Narayanan for RR-1 & 2

ORDER

The Writ Petition has been filed for issuance of a Writ of Mandamus to forbear the respondents 1 and 2 herein from conducting the election in Wakf of Masjid-e-Aksha, London Pet, Krishnagiri, on 14.02.2016 or on any other day, without considering the objections of the petitioner, dated 30.12.2015.

2. It is averred by the petitioner in the affidavit filed in support of the Writ Petition that he is a member of Wakf of Masjid-e-Aksha, London Pet, Krishnagiri. The Wakf has a burial ground of an extent of 0.98 cents in S.No.15, Kattiganapalli

Village, London Pet, Krishnagiri Town. The said land is being used for burying the dead bodies of Muslims in and around London Pet, TNHB, Kamaraj Nagar, Rajai Nagar, Gandhi Nagar, Ilyas Nagar, Yasin Nagar, Panjaliyur and Wahab Nagar, from time immemorial without any interruption and in or about 1915, the said Survey Number was sub-divided as S.Nos.15/1 and 15/2 and that S.No.15/2 was classified as Muslim burial ground. It is the grievance of the petitioner that the respondents 3 to 5 are trying to swap the property to one Mr.Antonysamhy Mudaliar and Dr.K.Singarayan, while W.O.S.No.2 of 2007 is pending on the file of the Wakf Tribunal to set aside the sale. Apart from that, several criminal proceedings, viz., misappropriation of Wakf funds and criminal breach of trust, are pending as against the respondents 3 to 5. It is the further case of the petitioner that, now, the second respondent has called for election to be held on 14.02.2016 for the Wakf of Masjid-e-Aksha, London Pet, Krishnagiri. Even earlier, the petitioner has sent a detailed representation, dated 30.12.2015 to disqualify the respondents 3 to 5 from contesting future elections, which was not considered by the respondents 1 and 2. Since they have not taken any action on the said representation, the petitioner has filed the above Writ Petition for the relief stated supra.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondents 1 and 2.

4. Without going into the merits of the case and considering the fact that the election is going to be held within three days, i.e. on 14.02.2016, at this juncture, within a short span of time, this Court cannot give any direction to the respondents 1 and 2 to consider the said representation/objections made by the petitioner. Therefore, the second respondent is directed to consider the said representation/objections of the petitioner, dated 30.12.2015, after the said election is over and after giving an opportunity of hearing to the petitioner and other necessary parties, pass appropriate orders on the said representation/objections, on merits and in accordance with law, before declaring the results of the said election.

5. With the above observations and directions, this Writ Petition is disposed of and. W.M.P.No.4527 of 2016 is closed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

CS

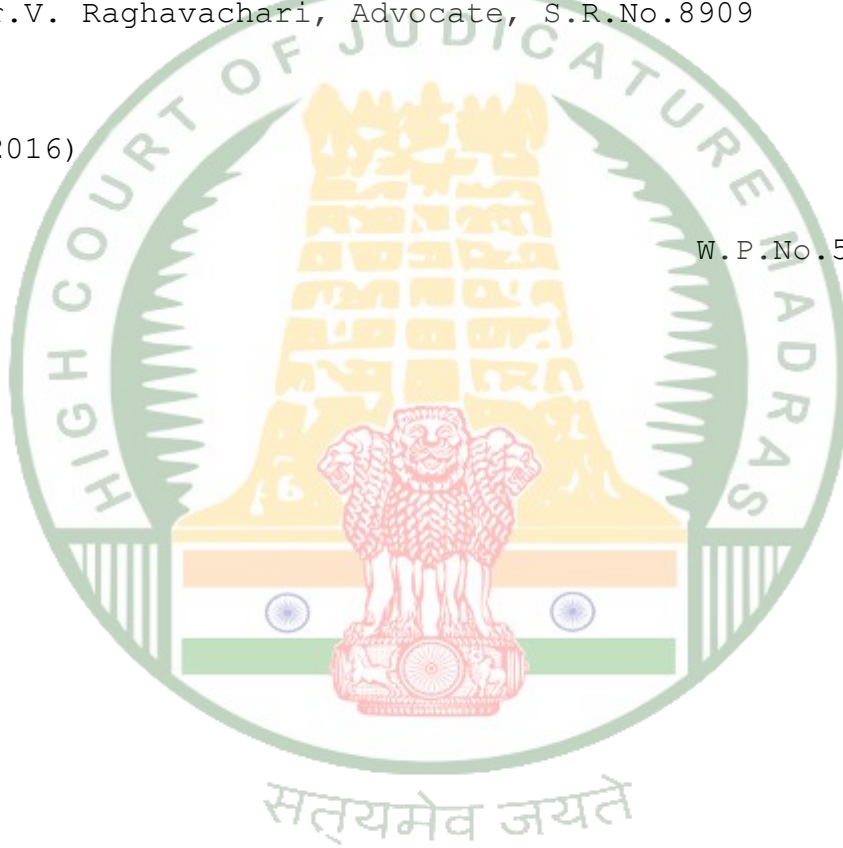
Copy to

1. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Sarang Road,
Seethakathi Nagar, Chennai-600 001.
2. The Superintendent of Wakf, Salem-1.

+lcc to Mr.G. Surya Narayanan, Advocate, S.R.No.8767
+lcc to Mr.V. Raghavachari, Advocate, S.R.No.8909

CTK(CO)
EU(12/02/2016)

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