

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.8366 of 2016

S.Ahamed Shadiq

... Petitioner

vs.

1.The Tamil Nadu Wakf Board,
rep. by its Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-1.

2.The Superintendent of Wakfs,
Poonamallee Zone,
Poonamallee Big Mosque,
Poonamallee, Chennai-56.

3.Hasthinapuram Masjid Committee
Wakf,
Hasthinapuram,
Chitalapakkam, Chennai-64.

... Respondents

Writ petition has been 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 the representation of the petitioner dated 20.2.2016 for adopting voter list and ballot paper system in the selection process of the managing committee of the third respondent in accordance with law.

For Petitioner : Mr.M.Sivavarthanan

For Respondents : Mr.V.Lakshmi Narayanan,
for R.1 and r.2

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents 1 and 2 to consider and pass orders on his representation dated 20.2.2016 for adopting voter list and ballot paper system in the selection process of the managing committee of the third respondent in accordance with law.

2. The case of the petitioner, in brief, is as follows:-

(a) The third respondent is a Wakf approved by the first respondent-Tamil Nadu Wakf Board and the said Wakf is functioning under the control and supervision of the respondents 1 and 2. The petitioner is a member of the third respondent Wakf. The said Wakf is managed by 13 committee members including a President, Secretary and Treasurer selected from the general body. The second respondent conducts election and the term of the selected committee is three years. The last election was conducted by the second respondent on 23.12.2012 and the election for the next term was originally fixed on 26.12.2015. But, due to unprecedented flood in Chennai, it was postponed.

(b) The second respondent by his proceedings dated 12.1.2016, informed that the election of the managing committee for the third respondent Wakf would be held on 20.2.2016 and they would be selected from the general body. All these years, the managing committee is selected by the second respondent by oral voting and raising of hands among the members who are present on the appointed day. This procedure has resulted in lot of confusion and members are not able to elect the persons, who have genuine interest in the Wakf.

(c) On 20.2.2016, the second respondent convened a general body for the purpose of selecting the managing committee. But, due to the chaos created by the members and due to lack of ballot paper system, the election could not be held by the second respondent. Therefore, the second respondent recorded the minutes that the general body stands adjourned sine die and further instructions regarding the election would be informed later. The said problem occurs in every election and the only solution is to have the election with proper voter list, nomination and ballot paper system. Since the third respondent Wakf is functioning under the control of the respondents 1 and 2 and the second respondent is the officer in charge for the selection of managing committee, the respondents 1 and 2 ought to adopt a fair and proper procedure for selection of the managing committee. In this regard, the petitioner made a representation dated 20.2.2016 to the respondents 1 and 2. Since the said representation was not considered so far, the

petitioner has come up with the present writ petition for the relief set out earlier.

3. I have heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents 1 and 2.

4. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim made by the petitioner, this Court directs the third respondent to consider the representation of the petitioner dated 20.2.2016 and pass appropriate orders / take appropriate action, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-1.

2.The Superintendent of Wakfs,
Poonamallee Zone,
Poonamallee Big Mosque,
Poonamallee, Chennai-56.

+1 cc to M/s.M.Sivavarthanan Advocate sr.19416

W.P.No.8366 of 2016

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