



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 02.12.2016

Coram

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THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

**Writ Petition (MD)No.23619 of 2016
and
WM.P.(MD) NoS. 16984 & 16985 of 2016**

ABIBULLAH ... Petitioner
-Vs-

1 THE CHIEF SECRETARY, TAMILNADU WAKF BOARD,
VALLAL SEETHAKATHI NAGAR,
CHENNAI.

2 THE SUPERINTENDENT OF WAKF BOARD,
NO.1, TOWN HALL ROAD,
PALLIVASAL COMPLEX, 2ND FLOOR,
MADURAI.

3 THE ELECTION OFFICER OF WAKF BOARD,
NO.1, TOWN HALL ROAD,
PALLIVASAL COMPLEX 2ND FLOOR,
MADURAI.

4 THE PRESIDENT,
PALANI TOWN MUSLIM DHARMA PARIBALANA SANGAM,
PALANI, DINDIGUL.

5 SAHUL HAMEED ... Respondents

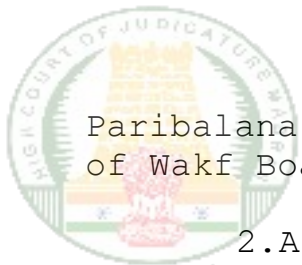
Prayer: Writ Petition is filed under Article 226 of the Constitution of India to call for the records in Na.Ka.G.S.287&293 /Va.Ka.Madurai/ The.A /2016 dated 23.11.2016 passed by the Respondent No.3 and quash the same as illegal.

For petitioner :Mr.S.M.A. Jinnah

For respondent :Mr.K.K. Senthil for RR1 to 3

ORDER

This writ petition has been filed challenging the notification containing the list of persons, who have filed nominations for the election of Palani Town Muslim Dharma



Paribalana Sangam, issued by the third respondent/Election Officer of Wakf Board, Madurai, dated 23.11.2016.

2. According to the petitioner, the fifth respondent, was the then Secretary of Palani Town Muslim Dharma Paribalana Sangam. During his tenure, he had committed several misappropriations, subsequently, first respondent initiated a proceedings dated 08.12.2009 against him and removed him from the post for his misconduct. The second respondent also initiated a criminal prosecution against the fifth respondent. The fourth respondent also filed an application under Section 68 of the Tamil Nadu Wakf Act, 1995 and it is pending before the Sub-Divisional Magistrate cum Revenue Divisional Officer, Palani. While that being so, the second respondent, even without considering the objections raised by the petitioner and common people of the Jamath, accepted the nomination filed by the fifth respondent. Hence, challenging the notification containing the list of persons, who have filed nominations for the election, the petitioner has come forward with this writ petition.

3. On perusal of the affidavit and the impugned notification, issued by the second respondent, this Court is of the view that against a notification containing the list of persons filed nomination for election, the petitioner cannot maintain a writ petition. Hence, this writ petition is liable to be dismissed.

4. Accordingly, this writ petition is dismissed. However, if the petitioner has any grievance over the acceptance of nomination, filed by the fifth respondent, he has to approach the Wakf Tribunal to ventilate his grievance. Consequently, connected miscellaneous petitions are also dismissed. There shall be no order as to costs.

Sd/-

Deputy Registrar (Accounts)

/True Copy/

Sub Assistant Registrar

VS

To

1 THE CHIEF SECRETARY,
TAMILNADU WAKF BOARD,
VALLAL SEETHAKATHI NAGAR,
CHENNAI.

2 THE SUPERINTENDENT OF WAKF BOARD,
NO.1 TOWN HALL ROAD,
DARUL ULOOM COMPLEX 2ND FLOOR,
MADURAI.



3 THE ELECTION OFFICER OF WAKF BOARD,
NO.1, TOWN HALL ROAD,
PALLIVASAL COMPLEX 2ND FLOOR,
MADURAI.

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4 THE PRESIDENT,
PALANI TOWN MUSLIM DHARMA PARIBALANA SANGAM,
PALANI, DINDIGUL.

+1CC to Mr.K.K.Senthil, Advocate Sr.No.79181

Gjm/KM/10.1.17-3p-6c

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