

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2017

Coram

The Hon'ble Mr. Justice **M.M.SUNDRESH**

Cont. Petition No.1409 of 2016

S.Mohammed Yusuf .. Petitioner

vs.

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

2.A.Mahmood,
The Superintendent of Wakf
and Election Officer,
No.822, Anna Salai, Chennai - 2. ... Respondents

Petition filed under Section 11 of Contempt of Courts
Act to punish the respondents for contempt of Court for
having violated deliberately and wantonly the order of this
Court dated 17.08.2015 made in W.P.No.25487 of 2015.

For Petitioner .. Ms.I.Kowser Nissar

For Respondents ... Mr.V.Raghavachari

Mr.AR.L.Sundaresan,
Sr. Counsel
for Mr.A.Govindasamy
for Khurasani Peer Masjid and
Dharga Wakf Committee
forpetitionerin W.P.No.20/2017
and proposed respondent

ORDER

Alleging that the order dated 17.08.2015 passed by this Court in W.P.No.25487 of 2015 has not been complied with, the present contempt petition has been filed.

2. When the matter is taken up for hearing, learned senior counsel appearing for some of the members of the wakf committee in question submits that already a comprehensive writ petition has been filed in W.P.No.20 of 2017, challenging the procedure adopted in conducting the election. He would further submit that if the order passed is given effect to, the rights of the said petitioner would be affected.

3. Learned counsel appearing for the Wakf Board submits that since the election process has already begun, endeavour would be made to comply with the order passed.

4. Learned counsel appearing for the contempt petitioner submits that in the pending writ petition in W.P.No.20 of 2017, the contempt petitioner has not been made as a party. It is further submitted that the writ petitioner has no locus standi to file the writ petition.

5. Admittedly, the writ petition is pending in

objector before this Court, who is also incidentally the writ petitioner in the pending writ petition, has not been heard at the time of passing the order. It is the contention of the objector who has filed the writ petition in W.P.No.20 of 2017 that the earlier resolution passed by the Wakf Board has not been taken note of at the time of passing the order, which is the subject matter of this contempt petition. Therefore, it would be appropriate to close the contempt petition, giving liberty to the parties to put forth their contentions in the pending writ petition. The submission made by the learned counsel for the petitioner in the contempt petition that an application to implead the contempt petitioner in the pending writ petition has been filed is also recorded. Therefore, it is also well open to him to place his submission on record in the aforesaid writ petition.

6. With the above said observations, the contempt petition stands closed.

WEB COPY SD/
JOINT REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2016.

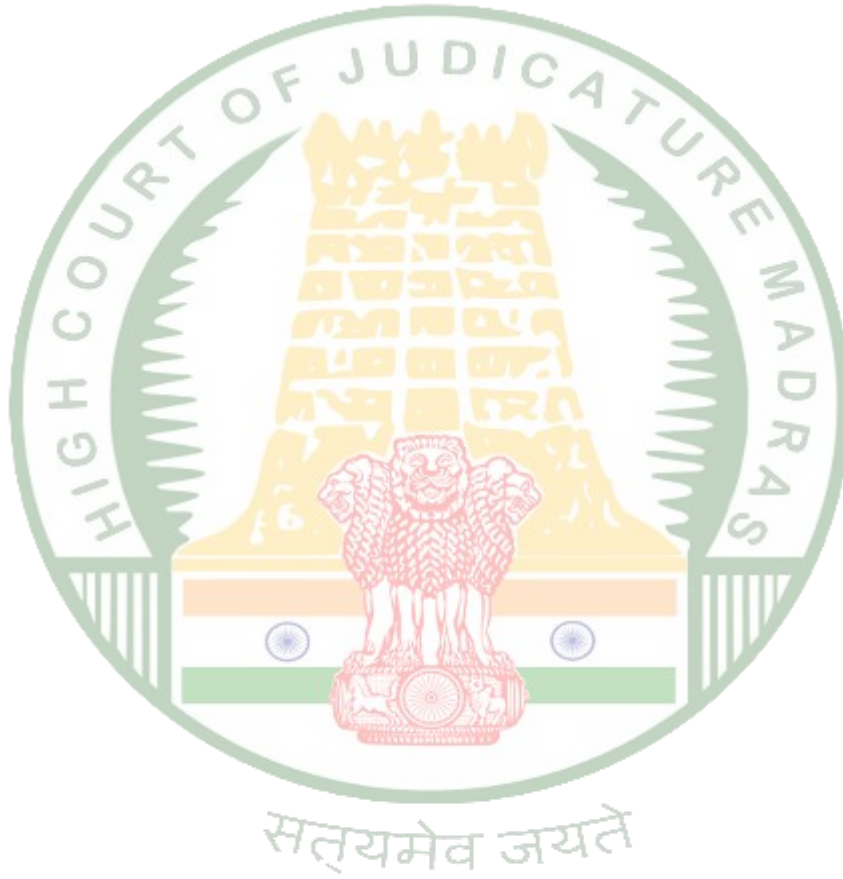
COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

One CC to M/s.A.Govindasamy Advocate, SR.281/17

One CC to M/s.V.Raghavachari, Advocate, SR.233/17

One CC to M/s.N.A.Nissar Ahmed Advocate, SR.218/17



WEB COPY