

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2017

CORAM

The HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.24247 of 2017
and

W.M.P.Nos.25622 to 25624 of 2017

M.Anwar Hussain, Secretary,
Muslim Jamath, Tiruvithancode,
10-46, Pakka Vidu,
Uthama Street, Tiruvithancode,
Kanyakumari.

... Petitioner

Vs.

1. The Government of Tamil Nadu,
rep. by Chief Secretary,
Fort St. George,
Chennai - 600 009.
2. The Secretary,
Department of Backward Class,
Most Backward Class and Minorities
Welfare Department,
Fort St. George,
Chennai - 600 009.
3. Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.
4. Jabab. A.V.Sirajudeen
(Ex.Asst.Secretary, Tamil Nadu Wakf Board),
President, Masjid Al Haramain,
30, Vallal Yousuf Nagar,
Selaiyur, Chennai - 73.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to quash the order passed by the third respondent in R.C.No.4528/C1/CGT/2000 dated 24.10.2000 and consequently direct the second respondent to conduct election of Muthavallis by a

Secret Ballot in the Wakf Head Office at Chennai, after deleting the names of (i) Executive Officers and the fourth respondent from the list of eligible Voters under the Muthavalli category.

For Petitioner : Mr.A.S.Vijayaraghavan

For Respondents : Ms.Vasudha Thiagarajan
Additional Government Pleader
for respondent Nos.1 & 2

Mr.V.Lakshminarayanan
for respondent No.3

Mr.Nissar Ahmed
for respondent No.4

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This writ petition purportedly in public interest is directed against the registration of Masjid Al Haramin as a separate Wakf by a specific order dated 24th October, 2000 of the Tamil Nadu Wakf Board as Wakf Masjid Al Haramin Wakf.

2. There is not a whisper in the writ petition as to why the writ petition has been initiated after seventeen years.

3. In the writ petition, the petitioner has also sought orders restraining the second respondent from accepting the nomination of respondent No.4 for the ensuing election of the Muthavalli Member of respondent No.3 for the year 2017.

4. Challenge to the registration of Masjid Al Haramin is hopelessly barred by delay. Further more, as pointed out by the respondents, election was notified on 18th July 2017 along with the draft electoral roll. Objections were to be submitted by 3.00 P.M. of 26th July 2017. No objections have been submitted within the time stipulated.

5. The writ petition cannot be entertained and the same is dismissed. No costs. Consequently, W.M.P.Nos.25622 to 25624 of 2017 are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To:

1. The Chief Secretary,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
2. The Secretary,
Department of Backward Class,
Most Backward Class and Minorities
Welfare Department,
Fort St. George,
Chennai - 600 009.
3. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

+1cc to Mr.N.A.Nissar Ahmed, Advocate, S.R.No.67855
+1cc to Mr.A.S.Vijayaraghavan, Advocate, S.R.No.68400
+1cc to Mr.V.Raghavachari, Advocate, S.R.No.67871
+1cc to the Government Pleader, S.R.No.67936

W.P.No.24247 of 2017

SK(CO)
CA(12/10/2017)

सत्यमेव जयते

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