

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

W.P.No.25025 of 2017

Haji S. Nadeemullah Khan
Ahalai Sunnathval Jamath Jamia Mosque
Satyamangalam - 638 401
Erode District ... Petitioner

v.

- 1 The Government of Tamil Nadu
Represented by Chief Secretary
Fort St. George
Chennai - 600 009
- 2 The Secretary
Department of Backward Class, Most Backward Class
and Minorities welfare Department (Election Officer)
Fort St. George
Chennai - 600 009
- 3 Chief Executive Officer
Tamil Nadu Walf Board
No.1, Jaffer Syrang Street
Vallal Seethakathi Nagar
Chennai - 600 001
- 4 The Superintendent of Wakfs
No.14-15, Mosque Complex
Avinashi Road, Uppipalayam
Coimbatore - 641 018
- 5 The Returning Officer
Deputy Secretary to the Government (Law)
Department of Backward Class, Most Backward Class
and Minorities Welfare department
Fort St. George
Chennai - 600 009

6 The Assistant Returning Officer
Under Secretary to the Government
Department of Backward Class, Most Backward Class
and Minorities Welfare department
Fort St. George
Chennai - 600 009

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus to consider the representation dated 07.09.2017 and direct the respondents 2 to 5 to include the names in the final voters list which was originally listed in item Nos.529 & 535, so as to make the petitioners eligible to vote in the upcoming election to be conducted on 04.10.2017, for electing 2 Muthavalli members of the Tamil Nadu Wakf Board.

For Petitioner : Mr.S.Hussain Afroze

For Respondents: Mr.R.Rajeswaran
Spl. Govt. Pleader -
for R1, R2, R5 & R6

Mr.V.Lakshmi Narayanan -
for R3 & R4

ORDER

Mr.R.Rajeswaran. learned Special Government Pleader, takes notice for the respondents 1, 2, 5 and 6 and Mr.V.Lakshmi Narayanan, learned counsel takes notice for the respondents 3 and 4. By consent, the main writ petition itself is taken up for disposal at the admission stage itself.

2. The petitioner has filed the above writ petition to issue a Writ of Mandamus, directing the respondents 2 to 5 to consider the representation dated 07.09.2017 by including his name in the final voters list, which was originally listed in item Nos.529 & 535, so as to make him eligible to vote in the upcoming election to be conducted on 04.10.2017, for electing 2 Muthavalli members of the Tamil Nadu Wakf Board.

3. Mr.V.Lakshmi Narayanan, learned counsel, appearing for the respondents 3 and 4 submitted that the petitioner has approached this court even without

challenging the final voters list published on 26.07.2017 and that the petitioner's representation cannot be considered at the eleventh hour.

4. Mr.R.Rajeswaran, learned Special Government Pleader appearing for the respondents 1, 2, 5 and 6 submitted that the present writ petition is liable to be rejected solely on the ground that the petitioner has not challenged the final voters list, which was published as early as on 26.07.2017

5. When the election is scheduled to be conducted on 04.10.2017, the petitioner has approached this court at the last moment seeking for inclusion of his name in the final voters list. Though the final voters list were published as early as on 26.07.2017, the petitioner chose to remain silent for all these days. In these circumstances, I am of the considered view that the petitioner has filed the writ petition only to prolong the election to be conducted on 04.10.2017.

6 In view of the above, the writ petition is devoid of merits and is liable to be dismissed. Accordingly, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Rj
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 (Election Officer)
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+1cc to M/s.T.Velumani, Advocate sr.68464

+1cc to M/s.V.Ragavachari, Advocate sr.68285

ppa (co)
ss (9/10/2017)

W.P.No.25025 of 2017

सत्यमेव जयते

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