



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.20237 of 2017

and

WMP(MD) 16489 of 2017

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S.Sugarno, Treasurer
Malickdhinar Baithulmal Jamath
23C/15 Royal Nagar,
Vetoornimadam Post,
Nagercoil.

... Petitioner

vs.

1. The Chief Executive Officer,
Tamil Nadu Wakf Board,
Door No.1, Jafar Sirang Street,
Vallal Seethakathi Nagar,' Chennai - 600 001.
2. The Superintendent of Wakf,
Tamil Nadu Wakf Board,
Kanyakumari District,
at present, Tirunelveli.
3. The Inspector of Wakf,
Tamil Nadu Wakf Board,
Nagercoil.
4. M.Mohammed Iqbal
5. A.Shaikh Mohammed
6. Abdul Khadar
7. A.Kalil Ahamed

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue writ of Mandamus directing the 1st respondent to direct the 2nd and 3rd respondents to conduct election for the post of President and for electing vacant post for Administrative Committee and to take action against respondent Nos.4 to 7 for misappropriation of funds and mal-administration by considering petitioner's representation dated 14.10.2017.

For Petitioner : Mr.A.Haja Mohideen
For RR - 1 to 3 : Mr.K.K.Senthil

ORDER

This writ petition has been filed seeking a direction to the 1st respondent to direct the respondents 2 and 3 to conduct election for the post of President and for electing vacant post



for Administrative Committee and to take action against respondents 4 to 7 for misappropriation of funds and mal-administration by considering petitioner's representation dated 14.10.2017.

2. Heard the learned counsel appearing for the petitioner and the learned counsel for the respondents 1 to 3. By consent, the writ petition itself is taken up for final disposal at the stage of admission.

3. The petitioner is a registered Jamath under the Tamil Nadu Wakf Board and it is running successfully without any hurdles by creating bye-laws. While so, the erstwhile President has resigned his post and the respondents 4 to 7 herein tried to take the administration of the said Jamath and it is also alleged that they have misappropriated some amount of the said Jamath. Hence, the petitioner has given a representation dated 14.10.2017 to conduct election for the post of President and also to take action against the respondents 4 to 7. Since the same has not been considered by the respondents 1 to 3, the petitioner is before this Court with the above prayer.

4. The learned counsel appearing for the respondents 1 to 3 submitted that if time is granted to the respondents 1 to 3, the representation of the petitioner will be considered and suitable orders will be passed.

5. In view of the above submission, this Court, without going into the merits of the matter, directs the respondents 1 to 3 to consider the representation of the petitioner dated 14.10.2017 and pass appropriate orders thereon on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order, after due opportunity to the petitioner as well as any of the interested parties.

6. With the above direction, this petition is disposed of. No costs. Consequently, WMP(MD)No.16489 of 2017 is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

+1cc to Mr.A.Haja Mohideen, Advocate Sr.No.84966

+1cc to Mr.K.K.Senthil, Advocate Sr.No.85277

MJ

<https://hccpcsecgsl.in/1cc/index1/2017/2P/3C>

W.P(MD) No.20237 of 2017
02.11.2017