



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.21612 and 21645 of 2017 and

WMP (MD) Nos.17896 and 17920 of 2017

M.Abdu Azeez ... Petitioner
in WP (MD) No.21612 of 2017

M.Mohammed Nijami ... Petitioner
in WP (MD) No.21645 of 2017

Vs.

1.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Sirang Street,
Vallal Seethakathi Nagar,
Chennai - 1.

2.The Superintendent of Wakfs,
Office of the Superintendent of Wakfs,
No.159, Therppa Sayanam Road,
Velipattinam, Ramanathapuram.

3.The Inspector of Wakfs,
Office of the Superintendent of Wakfs,
No.159/3, Therppa Sayanam Road,
Velipattinam, Ramanathapuram.

4.S.Khader Meerakani ... Respondents in both WPs

PRAYER in WP (MD) No.21612 of 2017: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondents 1 to 3 to redraft and prepare voters list by including the petitioner's name and conduct the fresh election to the office bearers of the managing committee to administer the Masjid Noor Muslim Jamath (TNWB Reg.No.262/RMD), Thiruvalluvar Nagar, Paramakudi, Ramanathapuram District.

PRAYER in WP (MD) No.21645 of 2017: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondents 1 to 3 to redraft and prepare voters list and conduct the fresh election to the office bearers of the managing committee to administer the Masjid Noor Muslim Jamath (T.N.W.B. Reg.No.262/RMD), Thiruvalluvar Nagar, Paramakudi, Ramanathapuram District.



For Petitioner
For Respondents

: Mr.N.Subramani
: Mr.K.K.Senthil
for R1 to R3

For R4

; No Appearance

WEB COPY

COMMON ORDER

WP(MD)No.21612 of 2017 has been filed seeking a writ of Mandamus directing the respondents 1 to 3 to redraft and prepare voters list by including the petitioner's name and conduct the fresh election to the office bearers of the Managing Committee to administer the Masjide Noor Muslim Jamath (TNWB Reg.No.262/RMD), Thiruvalluvar Nagar, Paramakudi, Ramanathapuram District.

2.WP(MD)No.21645 of 2017 has been filed seeking a writ of Mandamus directing the respondents 1 to 3 to redraft and prepare voters list and conduct the fresh election to the office bearers of the Managing Committee to administer the Masjide Noor Muslim Jamath (T.N.W.B. Reg.No.262/RMD), Thiruvalluvar Nagar, Paramakudi, Ramanathapuram District.

3.Since the issue involved in both the writ petitions, is one and the same, they are disposed of by way of a common order.

4.Heard both sides.

5.By consent, the writ petitions are taken up for final disposal at the stage of admission itself.

6.The learned counsel for the petitioners would submit that since there were disputes in respect of the administration of the Jamath in question, WP(MD)Nos.17748, 19052 and 19491 of 2017 came to be filed, wherein this Court, by order dated 24.10.2017, appointed two Advocate Commissioners, under whose supervision, the election for electing the office bearers for the said Jamath, was directed to be conducted. But, the first and second respondents, based on the voters list prepared during the year 2014 and without updating the voters list, had conducted the election. Aggrieved over the same, petitioners are before this Court, seeking a direction to the respondents, to conduct a fresh election.

7.On the other hand, the learned Counsel appearing for the respondents 1 to 3, on instructions, submitted that the election was conducted only under the supervision of the Advocate Commissioners appointed by this Court.

8.After some arguments, the learned counsel appearing for the petitioners, sought permission of this Court, to challenge the said election as per law.



9. In view of the same, these writ petitions are closed. However, liberty is granted to the petitioners, to challenge the election in the manner known to law. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (C.O)

/True Copy/

Sub-Assistant Registrar

To

1. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Sirang Street,
Vallal Seethakathi Nagar,
Chennai - 1.
2. The Superintendent of Wakfs,
Office of the Superintendent of Wakfs,
No.159, Therppa Sayanam Road,
Velipattinam, Ramanathapuram.
3. The Inspector of Wakfs,
Office of the Superintendent of Wakfs,
No.159/3, Therppa Sayanam Road,
Velipattinam, Ramanathapuram.

+2 ccs to Mr.N.Subramani, Advocate, SR.Nos.91648, 91647

+One cc to Mr.K.K.Senthil, Advocate, SR.No.91645

dsk

RL/7C/3P/SV/MMS/SAR1/15/12/2017

W.P (MD) No.21612 and 21645 of 2017

07/12/2017