

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 21.12.2017

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. (MD) No. 23688 of 2017

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A. Sharafath Ali

... Petitioner

Vs.

1. The Chairman,
Tamil Nadu Wakf Board,
No.1, Jabar Siras Street,
Vallal Seethakathi Nagar,
Excise House Back Side,
Chennai.
2. The Principal Secretary,
Tamil Nadu Wakf Board,
No.1, Jabar Siras Street,
Vallal Seethakathi Nagar,
Excise House Back Side,
Chennai.
3. The Superintendent,
Tamil Nadu Wakf Board,
No.12, Kilethar Street,
Trichy - 2.
4. The President
Sheik Ismail Subedhar Pallivasal,
Uraiyur
Trichy - 620 003.
5. The Secretary,
Sheik Ismail Subedar Pallivasal,
Urayur, Trichy - 620 003.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 30.11.2017 by giving suitable instructions to the third respondent to conduct election to the Executive Committee of Sheik Sheik Ismail Subedhar Pallivasal, Urayur, Trichy.

For Petitioner : Mr. V.A. Dhana Aravindh Balaji
For Respondents : Mr. K.K. Senthil - for R1 to R3

ORDER

This writ petition has been filed for a Writ of Mandamus directing the first respondent to consider the petitioner's representations dated 30.11.2017 by giving suitable instructions



to the third respondent to conduct election to the Executive Committee of Sheik Sheik Ismail Subedhar Pallivasal, Urayur, Trichy.

2. Mr.K.K.Senthil, learned counsel takes notice for the respondents 1 to 3. Notice to the respondents 4 and 5 is dispensed with, as no adverse order is going to be passed against them.

3. By consent, the writ petition is taken up for final disposal at the stage of admission itself.

4. It is the case of the petitioner that the petitioner is the member of Sheik Ismail Subedhar Pallivasal, Urayur, Trichy and the said Pallivasal is brought under the administration of the Tamil Nadu Wakf Board. For administration of the Pallivasal, an Executive Committee, which consists of a President, Sub-President, Treasurer and Secretary is formed by conducting election, by the members of the said Pallivasal. The grievance of the petitioner is that the acting President and the Secretary of the Executive Committee are trying to conduct election, by omitting several members in the voters list. In order to conduct fair and free election, the petitioner submitted a representation dated 30.11.2017 to the first respondent. Since the said representation has not been considered so far, the petitioner is before this Court for the aforesaid relief.

5. The learned Counsel appearing for the respondents 1 to 3 would submit that the first respondent is the competent authority to pass orders in this matter and if reasonable time is granted to him, the representation of the petitioner dated 30.11.2017, will be considered and suitable orders be passed.

6. Considering the facts and circumstances of the case and also taking into account the limited scope of the relief sought for by the petitioner, this Court, without going into the merits of the petitioner's claim, directs the first respondent, to consider the representation of the petitioner dated 30.11.2017 and pass appropriate orders, on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner as well as other interested parties, if any, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)



+1cc to M/S.Dhana Law Associates, Sr.No.94893
+1cc to Mr.K.K.Senthil, Advocate Sr.No.94463

RM மனோ லட்சுமி

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VB/JC/SAR2/05/01/2018/3P/3C

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