

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

DATED : 03.08.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P.(MD)Nos.6795 & 9413 of 2017andW.M.P(MD)Nos.5359 to 5361 & 7161 to 7163 of 2017

K.E.P.Mohamed Ali ... Petitioner in W.P(MD)No.6795/17
G.S.Jaffar Ali ... Petitioner in W.P(MD)No.9413/17

Vs.

1.The District Collector,
O/o. The District Collector,
Thanjavur.

2.The Superintendent of Wakf,
Tamil Nadu Wakf Board,
Thanjavur.

3.The Thasildar,
O/o. The Thasildar,
Papanasam Taluk,
Thanjavur District.

4.The Sub-Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.

... Respondents 1 to 4 in both petitions

5.O.P.A.Bahseer Ahamed ... Respondent 5 in W.P(MD)No.6795/17

PRAYER in W.P.(MD)No.6795/17:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the impugned proceedings passed by the respondent No.3 in Nil dated 05.04.2017 in connection with proceedings in Pa.Ve.992-2017 A5 dated 03.04.2017 and quash the same as illegal.

PRAYER in W.P.(MD)No.9413/17:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the respondent No.3 in Nil dated 05.04.2017 in connection with proceedings in Pa.Ve.992-2017 A5 dated 03.04.2017 and quash the same and consequently forbearing the respondents and their men to interfere or to disturb the jamath administration till the completion of the impugned proceedings pending before the respondent no.3 in Pa.Ve.992-2017 A5.



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For Respondents : Mr.J.Gunaseelan Muthiah,
Government Advocate
for R.1, R.3 and R.4
(In both petitions)
Mr.K.K.Senthil for R.2
(In both petitions)

Mr.M.Ajmal Khan, Senior Counsel
for M/s.B.Jameel Arasu for R.5
in W.P.(MD)No.6795/17

COMMON ORDER

The Writ petition in W.P.(MD)No.6795 of 2017, has been filed by the petitioner seeking a Writ of Certiorari to quash the impugned proceedings of the third respondent dated 05.04.2017, in connection with the proceedings in Pa.Ve.992-2017 A5, dated 03.04.2017.

2.The Writ petition in W.P.(MD)No.9413 of 2017, has been filed by the petitioner seeking a Writ of Certiorarified Mandamus to quash the impugned proceedings of the third respondent dated 05.04.2017, in connection with the proceedings in Pa.Ve.992-2017 A5, dated 03.04.2017 and to forbear the respondents from interfering with the administration of the jamath, till the completion of the impugned proceedings pending before the third respondent in Pa.Ve.992-2017 A5.

3.Heard the learned counsel appearing on all sides.

4.According to the learned counsel for the petitioners, based on a complaint given by one, O.P.A.Basheer Ahamed / 5th respondent in W.P(MD)No.6795/17, the fourth respondent was interfering with the Jamath administration and forwarded a proposal to the third respondent. Thereafter, the third respondent, without conducting any enquiry, as stipulated by this Court in W.P(MD)No.2174 of 2014, passed the impugned order, directing the petitioners to hand over the key to the second respondent. Aggrieved by which, the petitioners are before this Court.

5.The learned counsel for the second respondent submitted that the earlier direction of this Court to conduct election, has not been complied with in full, because the Wakf Board concerned, had not submitted the necessary details, regarding the voters list.

6.Considering the facts and circumstances of the case, to give quietus, this Court hereby directs the Muthavalli of the said Jamath or the present Joint Secretary to furnish all the details relating to the voters to the second respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said details, the second respondent / Superintendent of Wakf, Thanjavur, is directed to conduct the elections, in the presence of all the parties, within a period of four weeks thereafter. In the



meanwhile, the petitioner in W.P(MD)No.6795/17 is directed to hand over the keys to the second respondent, forthwith, who shall retain the same, till the elections are over. It is made clear that with regard to any further disputes, it is always open to the respective parties to approach the Wakf Tribunal for appropriate relief.

7. These writ petitions are disposed of as above. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
O/o. The District Collector,
Thanjavur.

2. The Superintendent of Wakf,
Tamil Nadu Wakf Board,
Thanjavur.

3. The Thasildar,
O/o. The Thasildar,
Papanasam Taluk,
Thanjavur District.

4. The Sub-Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.

+1cc to Mr.K.K.SENTHIL Advocate in SR. No.70740
+1cc to Mr.M.KAUSHIKAN Advocate in SR. No.70464
+1cc to Mr.B.JAMEEL ARASU Advocate in SR. No.69953
+1CC to THE SPECIAL GOVERNMENT PLEADER in SR. No.70588

GK

JS/SKN.RSK/SAR.1/8.8.2017/3P-9C

W.P. (MD) Nos. 6795 & 9413 of 2017

and

W.M.P (MD) Nos. 5359 to 5361 & 7161 to 7163 of 2017

03.08.2017