



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.24333 of 2016

and

W.M.P (MD) No.17581 of 2016

M.Mohammed Iqbal

... Petitioner

Vs.

1. The Wakf Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 1.

2. The District Revenue Officer / Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrfang Street,
Vallal Seethakathi Nagar,
Chennai - 1.

3. The Wakf Superintendent,
Office of the Wakf Board,
Neethi Nagar,
Near Court, Thanjavur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to conduct the election in Valoothoor Mohideen Andavar Mosque, Papanasam Taluk, Thanjavur District and ensure the election in a free and fair manner and consider the petitioner's representation dated 09.12.2016.

For Petitioner : Mr.K.Guhan

For Respondents : Mr.K.K.Senthil

ORDER

This writ petition has been filed by the petitioner seeking a Writ of Mandamus, directing the respondents to conduct the Election in Valoothoor Mohideen Andavar Mosque, Papanasam Taluk, Thanjavur District and to ensure the election in a free and fair manner, based on his representation dated 09.12.2016.



2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3. According to the learned counsel for the petitioner, the petitioner's representation dated 09.12.2016, before the second and third respondents, for the purpose of conducting the election, has not been considered, despite the earlier directions of this Court in W.P(MD)No.3516 of 2015, dated 12.03.2015 and in W.P(MD) No.4556 of 2016, dated 07.03.2016. Hence, the petitioner is before this Court with the aforesaid prayer.

4. The learned counsel for the respondents, on the other hand, submitted that the earlier direction of this Court has not been complied with in full, because the petitioner as well as the Wakf Board concerned, had not submitted the necessary details, regarding the voters list.

5. Considering the facts and circumstances of the case, to give quietus, this Court hereby directs the petitioner to furnish all the details relating to voters and similarly, the Muthavalli of the said Jamath or the present Joint Secretary, is also directed to furnish all the details relating to the voters, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said details, the third respondent is directed to consider the representation of the petitioner dated 09.12.2016, for the purpose of conducting election and for ensuring the same in a free and fair manner and thereafter, pass appropriate orders with regard to conduct the election within a period of four weeks, after giving due opportunity of hearing to the parties concerned.

6. The writ petition is disposed of as above. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The District Revenue Officer / Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrfang Street,
Kilbaskathi Nagar,
Chennai - 1.



2. The Wakf Superintendent,
Office of the Wakf Board,
Neethi Nagar,
Near Court, Thanjavur.

+1cc to Mr.K.K.Senthil, Advocate Sr.No.69967
+1cc to Mr.K.Guhan, Advocate Sr.No.69549

GK

VB/RSK/SAR1/07/08/2017/3P/5C

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and
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