

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.15714 of 2018 and
W.M.P.No.18678 of 2018

H.Ismail

... Petitioner

Vs.

- 1.The Government of Tamil Nadu
rep by its Secretary,
Backward and Most Backward Minority
Welfare Department,
Fort St.George, Chennai - 600 009.
- 2.The Chief Executive Officer,
Tamil Nadu Wakf Board, No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai - 600 001.
- 3.The Chairman,
Tamil Nadu Wakf Board, No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai - 600 001.
- 4.The Election Officer/Wakf Superintendent,
Tamil Nadu Wakf Board,
Jumma Masjid,
Sriperumbudur - 602 105. ... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the 4th respondent to consider the representation dated 23.06.2018 and conduct the election in accordance with the Scheme framed by the Hon'ble Principal District Judge, Chengalpattu in A.S.No.61 of 1939 by conducting election in the local area of Sriperumbudur Town consisting of Ward Nos. 2 to 6 and Ward Nos.9 to 15 of Sriperumbudur Town.

For Petitioner : Mr.T.Velumani

For Respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader (R1)

Mr.V.Lakshminarayanan,
Standing Counsel (R2 to R4)

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of mandamus to direct the 4th respondent to consider the representation dated 23.06.2018 and conduct the election in accordance with the Scheme framed by the Hon'ble Principal District Judge, Chengalpattu in A.S.No.61 of 1939 by conducting election in the local area of Sriperumbudur Town consisting of Ward Nos. 2 to 6 and Ward Nos.9 to 15 of Sriperumbudur Town.

2.This Court is not inclined to entertain the Writ Petition in view of the earlier direction given by this court in W.P.No.25087 of 2017 dated 20.09.2017, which is given as under:

"...

5.Recording the submissions made by the learned Standing Counsel for the respondent, I direct the respondent to conduct the election within a period of three months from the date of reconstitution of the Board. It is made clear that in the case of the respondent finding it necessary, they may seek for police protection and the jurisdictional police shall give adequate police protection at the time of conducting the election."

3.The learned standing counsel for the respondents submitted that the petitioner cannot come to this court after the election process have been initiated on 22.06.2018. The election notification was also issued on 22.06.2018 and the petitioner has given his representation on 23.06.2018 to the 3rd respondent indicating certain irregularities in preparing the voters list.

4.Since a direction was already given by this Court on 20.09.2017 directing the Chief Executive Officer, Tamil Nadu Wakf Board to complete the election within a period of three months from the date of reconstitution of the Board, the respondents have initiated the election process by issuing election notification on 22.06.2018. Therefore, this Court is not inclined to interfere with the election process and the Writ Petition fails. In the result, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary,
Government of Tamil Nadu,
Backward and Most Backward Minority Welfare Department,
Fort St.George, Chennai - 600 009.
- 2.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.
- 3.The Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.
- 4.The Election Officer/Wakf Superintendent,
Tamil Nadu Wakf Board,
Jumma Masjid, Sriperumbudur - 602 105.

+1cc to Mr.V.Raghavachari, Advocate Sr.42538

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srg 11/07/2018

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