

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 11.07.2018****CORAM:****THE HONOURABLE MR. JUSTICE M.S. RAMESH****W.P. (MD) No.14904 of 2018****WEB COPY**

1.A.Shiek Dawood

2.Hidhayathullah

... Petitioners

vs.

1. The Tamil Nadu Wakf Board
rep.by its Chief Executive Officer
No.1, Jaffer Sirang Street
Vallal Seethakathi Nagar
Mannadi, Chennai-600 001

2. The Superintendent of Wakf Board
Tamil Nadu Wakf Board
159/3, Therppasayanam Road
Velipattinam
Ramanathapuram District

3. The Inspector of Wakf Board
159/3, Therppasayanam Road
Velipattinam
Ramanathapuram District

4. The Superintendent of Police
Sivagangai District, Sivagangai

5. The Inspector of Police
Ulagampatti Police Station
Sivagangai District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents 1 to 3 herein to appoint an Election Officer and to release final voter list and to conduct proper election (Secret Polling) in front of Election Officer for the post of Jamath President, Secretary, Treasure and other office bearers in the Moideen Andavar Pallivasal, Nagamangalam, Singampuneri Taluk, Sivagangai District, with the help of respondents 4 and 5.

For Petitioners: Mr.T.Amjad Khan

For Respondents: Mr.K.K.Senthil for R1 to R3

Mr.N.Shanmugaselvam

Additional Government Pleader R4 & R5

**ORDER**

Mr.K.K.Senthil, learned counsel, takes notice for the respondents 1 to 3 and Mr.N.Shanmugaselvam, learned Additional Government Pleader, takes notice for the respondents 4 and 5.

WEB COPY

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. It is the grievance of the petitioners that their representations dated 23.04.2018 and 26.06.2018 seeking to appoint an Election Officer, release final voters list and conduct proper election (Secret Polling) in front of the Election Officer for the posts of Jamath President, Secretary, Treasurer and other office bearers in the Moideen Andavar Pallivasal, Nagamangalam, Singampuneri Taluk, Sivagangai District, with the help of respondents 4 and 5, have not been considered by the respondents till date and therefore, they have filed the present writ petition.

4. This Court has not expressed any of its view with regard to the merits of the representations made by the petitioners. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

5. In view of the limited prayer sought for in this writ petition, there shall be a direction to the first respondent to consider the petitioners' representations dated 23.04.2018 and 26.06.2018 on its own merits and take further action in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioners as well as to the persons who may be interested in the subject matter.

6. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar



To:

1. The Superintendent of Police,
Sivagangai District, Sivagangai.

2. The Inspector of Police,
Ulagampatti Police Station,
Sivagangai District.

+1cc to Mr.K.K.Senthil, Advocate Sr.No.72734
+1cc to Mr.T.Amjad Khan, Advocate Sr.No.72666

KRK

VB/SKN/RSK/SAR2/20.07.2018/3P/5C

W.P. (MD) No.14904 of 2018
11.07.2018