



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) No.21390 of 2017

Haji S.Abdul Salam

... Petitioner

Vs.

1. The Tamil Nadu Wakf Board,
Represented by its Chief Executive Officer,
No.1, Jaffer Sirange Board,
Vallal Seethakathi Nagar,
Mannadi, Chennai-600 001.
2. The Superintendent of Wakf Board,
Tamil Nadu Wakf Board,
Chinnakadai Street, Velipattinam,
Ramanathapuram District.
3. The Inspector of Wakf,
Sivagangai, Sivagangai District.
4. The Superintendent of Police,
Sivagangai District, Sivagangai.
5. The Inspector of Police,
Town Police Station,
Thiruppathur, Sivagangai District.
6. The President,
Periyapalli, Jumma Pallivasal,
Thiruppathur, Sivagangai District.
7. The Secretary,
Periyapalli, Jumma Pallivasal,
Thiruppathur,
Sivagangai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents 1 to 3 to appoint of Election Officer and to release to final voter list and to conduct proper election (secret poling) in front of Election Officer for the post of Jamath President, Secretary, Treasury and office bearers in the Periyapallivasal, Thiruppathur, Sivagangai District with the help of respondents 4 and 5.



For Petitioner : Mr.T.Amjad Khan
For R1 to R3 : Mr.K.K.Senthil
For R4 and R5 : Mr.Aayiram K.Selvakumar,
Additional Government Pleader.
For R6 and R7 : Mr.S.Manohar

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ORDER

This writ petition has been filed seeking a direction to the respondents 1 to 3 to appoint an Election Officer and also conduct an election to the Jamath, Periyapallivasal, Thiruppathur, Sivagangai District

2. According to the petitioner, he is one of the members of the said Jamath, where more than 4,000 eligible members are there and the tenure of the earlier elected President and Secretary of the Jamath has been over on 25.10.2017. Now, without conducting proper election, the said Jamath wants to conduct an election by voice voting alone. In the above circumstances, he sent a representation to the respondents 1 and 2 to conduct election to the Jamath, but so far, no action has been taken. Hence, the present writ petition has been filed.

3. Today, when the matter is taken up for hearing, the learned counsel appearing for the 6th and 7th respondents submitted that already an election has been conducted in the Jamath and they have been elected as President and Secretary of the said Jamath. But this fact was disputed by the petitioner stating that no such election was conducted, and the 6th and 7th respondents on their own declared themselves as President and Secretary.

4. In the above circumstances, since there is a dispute regarding conduct of election to the Jamath, the second respondent is directed to conduct an enquiry and to find out whether any proper election has been conducted to the Jamath. On enquiry, if it is found that no proper election was conducted, the second respondent is directed to take steps to conduct fresh election to the said Jamath.

5. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar



To

1. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Sirange Board,
Vallal Seethakathi Nagar,
Mannadi, Chennai-600 001.
2. The Superintendent of Wakf Board,
Tamil Nadu Wakf Board,
Chinnakadai Street, Velipattinam,
Ramanathapuram District.
3. The Inspector of Wakf,
Sivagangai, Sivagangai District.
4. The Superintendent of Police,
Sivagangai District, Sivagangai.
5. The Inspector of Police,
Town Police Station,
Thiruppathur,
Sivagangai District.

+ 1 CC TO Mr.S.MANO HAR, ADVOCATE IN SR No. 48761
+ 1 CC TO Mr.K.K.SENTHIL, ADVOCATE IN SR No. 48725
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 49369

MYR

TE/CVC/SAR-4 : 09/03/2018 : 3P/9C

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