

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.01.2019

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.734 of 2019
and
W.M.P.Nos.815 & 818 of 2019

1.A.M.Rahim Shariff
2.S.Abdul Hannan
3.Inayathullah
4.Yacoob
5.S.Nasuriddin
6.S.Ismail Sheriff .. Petitioners

Vs.

1.The Chief Executive Officer,
The Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallall Seethakathi Nagar,
Chennai - 600 001.

2.The Election Officer cum
The Superintendent of Wakfs,
The Tamil Nadu Wakf Board,
Masjid-E-Muqaddas,
Pattalam, Chennai - 600 012.

3.Masjid-E-Muqaddas,
Rep. by its Secretary,
No.202, P.B.Road, Pattalam,
Pensioner's Lane,
Chennai - 600 012.

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent pertaining to the election schedule notification, Masjid-E-Muqaddas wakf, dated 28.12.2018 and quash the same and further direct the 2nd respondent to include the petitioners name in the voters list and conduct election in a free and fair manner to the office bearers of the managing committee of the Masjid-E-Muqaddas wakf.

For Petitioners : Mr.I.Abdul Basith
For RR1 & 2 : Mr.Mohammed Aseef

O R D E R

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

2. The Writ Petition is filed by the petitioner to quash the election schedule notification, Masjid-E-Muqaddas wakf, dated 28.12.2018 and to direct the second respondent to include the petitioners name in the voters list and conduct election in a free and fair manner to the office bearers of the managing committee of the Masjid-E-Muqaddas wakf.

3. The complaint of the petitioners is that their names are not found in the final voter list, despite their efforts to get their names included. Admittedly, voter list was prepared and published by the second respondent vide communication in G.S.No.204/2018/Va.Ka/Cha.Sa dated 21.06.2018.

4. According to the learned counsel for the respondents 1 and 2, despite publishing voter list, the petitioner had given a representation only on 24.12.2018. Admittedly, final voter list was published on 28.12.2018 in which, the names of the petitioners were not found. As the petitioners had already given their representation even before the publication of the final voter list, the respondents ought to have considered their representation.

5. It is the grievance of the petitioners that only when they are included in the voter list, they could file their nomination Form to contest in the election. However, the prayer of the petitioners is only to include them in the voters list and conduct the election in a free and fair manner.

6. Heard Mr.I.Abdul Basith, learned counsel appearing for the petitioners and Mr.Mohammed Aseef, learned counsel appearing for the respondents 1 and 2.

7. As the learned counsel for the respondents 1 and 2 has no objection for considering the names of the petitioners to be included in the voter list for the ensuing elections scheduled on 13.01.2019, this Court is of the opinion that the names of the petitioners may be included in the voter list and they may be allowed to cast their vote in the election of the office bearers of the managing committee of the Masjid-E-Muqaddas.

8. Accordingly, the first and second respondents are directed to include the names of the petitioners in the voters list forthwith and inform the same to the petitioners to enable them to cast their votes on the election fixed on 13.01.2019.

9. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rsi
To

- 1.The Chief Executive Officer,
The Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallall Seethakathi Nagar,
Chennai - 600 001.
- 2.The Election Officer cum
The Superintendent of Wakfs,
The Tamil Nadu Wakf Board,
Masjid-E-Muqaddas,
Pattalam, Chennai - 600 012.

+1cc to Mr. I.Abdul Basith, Advocate SR.No. 2245

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A.SK(11/01/2019)

सत्यमेव जयते

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