

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.01.2019
CORAM
THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 7646 of 2014

The Muthavalli,
Jamia Masjid,
Kottakuppam,
Vanur Taluk,
Villupuram Districte
rep. by K.R. Abdul Rauf

... Petitioner

Vs

1. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrong Street,
Vallal Seethakathi Nagar,
Chennai-600 001.
2. The Superintendent of Wakfs,
Cuddalore Zone,
No. 512, Gandhi Salai,
Panruti,
Cuddalore District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, forbearing the respondents from conducting election for Administrative Committee of the petitioner, Jamia Masjid, Kottakuppam, Vanur Taluk, Villupuram District.

For Petitioner : Mr.H.Arif Ali
for Muthusamy

For Respondents : Mr.V.Ragavachari

O R D E R

This Writ Petition has been filed seeking a direction forbearing the respondent Wakf Board from conducting the election to the Administrative Committee of one Jamia Masjid Wakf, Kottakuppam, Vanur Taluk, Villupuram District.

2. The grievance of the petitioner is that there are more than 11 pallivasal comes under the purview of the above Wakf Board and they are also following certain customs. Now, the 1st respondent Wakf Board is taking steps to conduct election by way of secret ballot without verifying the voters list, and if the election is allowed to be conducted, but the above voters list

will lead to unrest among the community people. In the said circumstances, the present Writ Petition has been filed.

3. The learned counsel appearing for the petitioner submitted that if the election to the petitioner Wakf is conducted without following the due process, and there will be lot of unrest among the members of the wakf. In the above circumstances, the petitioner has filed the present Writ Petition.

4. The learned counsel appearing for the respondents, on instructions, submitted that so far, no election has been conducted by the Wakf Board and the members are conducting election between themselves, and they are managing the affairs of the Wakf Board. In the above circumstances, the Wakf Board is taking steps to conduct election as per the Wakf Act. In order to prevent the election to the petitioner wakf is being conducted, the present Writ Petition has been filed.

5. I have considered the rival submissions and perused the records carefully.

6. Admittedly, the Wakf Board alone is entitled to conduct the election to the Wakf. When the Wakf Board is entitled to conduct the election to any registered Wakf, the petitioner cannot prevent the Wakf Board from conducting the election. Now, it is stated that the petitioner without permitting the Wakf Board, the petitioner themselves conducting the election, and managing the Wakf, which is not permissible in law. In the above circumstances, a Wakf Board, being a statutory authority, the petitioners cannot prevent the Board from conducting the election. Hence, the prayer sought in the Writ Petition cannot be granted.

7. The learned counsel appearing for the petitioner would submit that Ramzan falls in the month of April, and hence, the election may be conducted after Ramzan.

8. Considering the fact that the election process will take some time, the Wakf Board is directed to conduct the election in the month of May 2019. Till the election is being conducted to the petitioner Wakf, the Wakf Board is directed to appoint a Superintendent to manage the Wakf till the election conducted to the Wakf.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rpp

To

1.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrong Street,
Vallal Seethakathi Nagar,
Chennai-600 001.

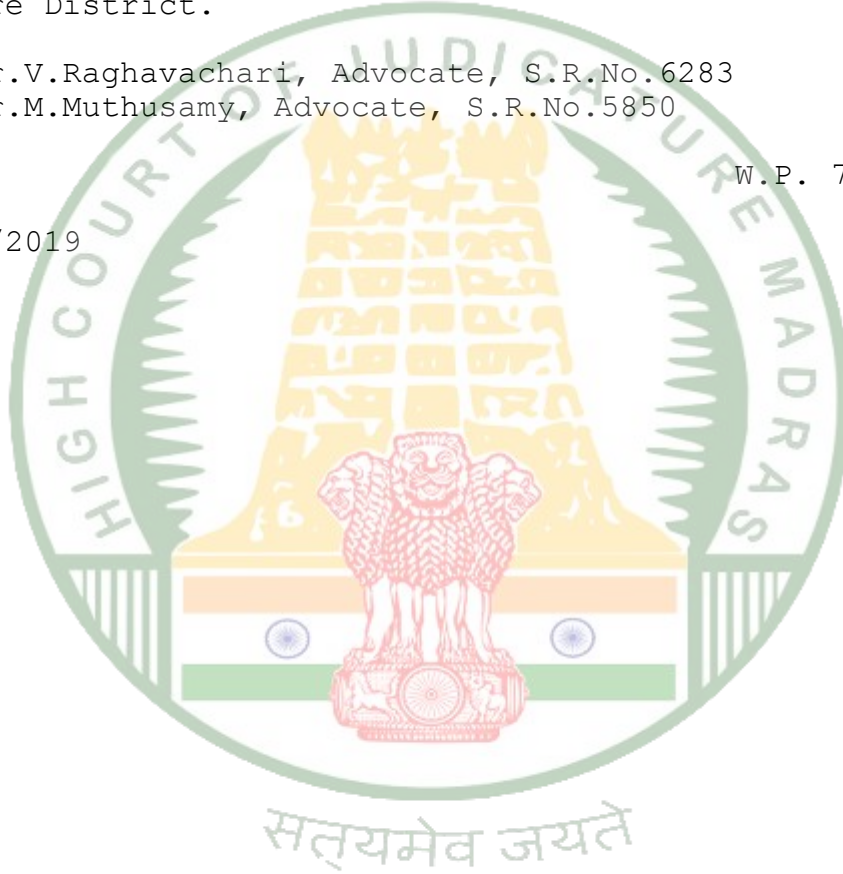
2.The Superintendent of Wakfs,
Cuddalore Zone,
No. 512, Gandhi Salai,
Panruti,
Cuddalore District.

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.6283

+1cc to Mr.M.Muthusamy, Advocate, S.R.No.5850

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rrs 01/03/2019



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