

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2019

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 28389 of 2019
and
W.M.P. No. 28069 of 2019

A. Ahmed Basha

... Petitioner

-vs-

1. The Chief Executive Officer,
Tamil Nadu Waqf Board,
No. 1, Jaffer Sirang Street,
Vallal Seedakadi Nagar,
Chennai - 600 001.
2. The Superintendent of Waqf,
Tamil Nadu Waqf Board,
D. No. 15-16, Mosque Buildings,
Uppilipalayam,
Avinashi Road,
Coimbatore - 641 018.
3. The Inspector of Waqfs,
Tamil Nadu Waqf Board,
D. No. 15-16, Mosque Buildings,
Uppilipalayam,
Avinashi Road,
Coimbatore-641018.

सत्यमेव जयते

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the Respondents from admitting new persons other than life members in the electoral roll and also taking away the voting right of life members for the forthcoming administrative committee election - 2019 or Petitioner's Hyder Ali Tipu Sultan Dhakni Jamia Mosque, Kabrathan & Iduga Waqf (G.S. No. 98), situated at S.F. No. 517 and 518/2, Subbaiah Street - Thomas Street, within 80th ward of Coimbatore Corporation, Coimbatore by considering Petitioner's representation dated 02.09.2019.

For Petitioner : Mr. R. Gandhi,
Senior Counsel
assisted by Mr. N. Ponraj

For Respondents: Mr. V. Lakshminarayanan

O R D E R

The Writ Petition has been filed to forbear the Respondents from admitting new persons other than life members in the electoral roll and also taking away the voting right of life members for the forthcoming administrative committee election for the year 2019 for Hyder Ali Tipu Sultan Dhakni Jamia Mosque, Kabrathan and Iduga Waqf (G.S. No. 98), situated at S.F. No. 517 and 518/2, Subbaiah Street - Thomas Street, within 80th ward of Coimbatore Corporation, Coimbatore by considering representation dated 02.09.2019 made by the Petitioner.

2. Heard Mr. R. Gandhi, Learned Senior Counsel assisted by Mr. N. Ponraj, Learned Counsel for the Petitioner and Mr. V. Lakshminarayanan, Learned Counsel appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

3. Learned Counsel for the Respondents have filed a memo dated 26.09.2019 on behalf of the Respondents, stating as follows:-

"2. The Respondents state that they undertake to consider the representation of the Petitioner and pass appropriate orders in accordance with law and on merits after affording to opportunity to all parties concerned, within a period of 6 weeks from today. The election process which had commenced already will be kept in abeyance till then and will be continued only after passing orders in the representation of the Petitioner."

The aforesaid memo is placed on record.

2. Having regard to the aforesaid submissions made, the Respondents shall take a decision on the representation dated 02.09.2019 made by the Petitioner on merits and in accordance with law and communicate the same to the Petitioner by registered post to the address given in the representation. Thereafter, it shall be open to the Respondents to proceed with the election process.

3. The Writ Petition is disposed of on the aforesaid terms. It is made clear that no view has been expressed by this Court on the correctness or entitlement on the merits of the claim made by the Petitioner. Consequently, the connected Miscellaneous Petition is closed. No costs

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Chief Executive Officer,
Tamil Nadu Waqf Board,
No. 1, Jaffer Sirang Street,
Vallal Seedaradi Nagar,
Chennai - 600 001.
2. The Superintendent of Waqf,
Tamil Nadu Waqf Board,
D. No. 15-16, Mosque Buildings,
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Avinashi Road,
Coimbatore - 641 018.

+1cc to N. Ponraj, Advocate sr.83063

W.P. No. 28389 of 2019

bp(co)
nr 04/10/2019