



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.(MD) No.19480 of 2019

and

W.M.P.(MD).Nos.15917 and 15919 of 2019

M.A.S.E.Liyakath Ali

... Petitioner

vs.

1.The Tamil Nadu Wakf Board,
rep. by its Chairman,
No.1, Jawfar Srirang Street,
Vallal Seethagathi Nagar,
Behind Customs Office,
Chennai-01.

2.The Chief Executive Officer,
The Tamil Nadu Wakf Board,
No.1, Jawfar Srirang Street,
Vallal Seethagathi Nagar,
Behind Customs Office,
Chennai-01.

3.The Superintendent of Wakf,
Office of the Superintendent of Wakf,
Madurai and Ramnad District (I/C)
No.159/3, Therpasayanam Road,
Vellipattinam,
Ramanathapuram-623 504.

4.The Inspector of Wakf,
Office of the Superintendent of Wakf,
Madurai and Ramnad District (I/C)
No.159/3, Therpasayanam Road,
Vellipattinam,
Ramanathapuram-623 504.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 5th respondent vide his proceedings in Na.Ka.G.S.109/Sivagangai/Ni.A/The.A/2019, dated 22.08.2019 and quash the same.



For Petitioner : Mr.D.Senthil
For Respondents : Mr.T.S.Mohammedd Mohideen
Standing Counsel

O R D E R

Challenging the impugned order passed by the 5th respondent dated 22.08.2019, the present writ petition has been filed.

2.Mr.T.S.Md.Mohideen, learned Standing Counsel, takes notice on behalf of the respondents.

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

4.The grievance of the petitioner is that even in the existence of previous elected committee of the Pallivasal, the notification issued by the 5th respondent for conducting election is against law.

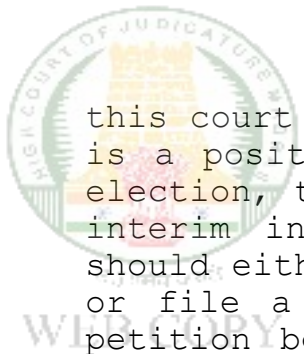
5.Upon hearing the above submissions, this Court points out that in C.R.P.No.650 of 2019, the Principal Bench of this Court passed an order on 22.02.2019, as follows:-

"3.By consent, the parties have agreed that the Waqf Board shall conduct the election and it is also reported that the Board has not taken direct management of the petitioner Pallivasal and therefore, there shall be an order of status-quo till the elections are concluded".

Subsequent to that, the petitioner herein filed W.P.No.10225 of 2019 before the Principal Bench of this Court for better management of the waqf. This Court, in the said writ petition, passed the following order on 05.04.2019.

"Accordingly, the Tamil Nadu Waqf Board - 3rd respondent herein shall take direct management of the subject matter waqf, however, by allowing all the interested parties to take part in the day-to-day rituals etc., without preventing anybody from doing so."

6.Now that, the Waqf Board issued a notification for correction of Voter's list. The apprehension of the petitioner is that the election may not be conducted, as per the scheme decree of the waqf. Admittedly, the writ petition filed in this regard is still pending before the Principal Bench of this Court. During the pendency of that writ petition, another person has filed the present writ petition to stall the election process. If this writ petition is admitted, it will amount to nullifying the direction issued by



this court to conduct election in C.R.P.No.650 of 2019. Since there is a positive direction issued by him revisional court to conduct election, this Court cannot nullify the same by granting an order of interim injunction. If at all the petitioner is aggrieved, he should either approach the Principal Bench for appropriate direction or file a contempt or modification petition or other appropriate petition before the revisional court. The present writ petition, based on apprehension that the election will not be conducted properly is not maintainable.

7.In view of the above stated legal position, this Court is of the view that on the basis of the apprehension, writ petition cannot be entertained and hence, this writ petition merits no consideration. Accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar

To:

- 1.The Chairman,
Tamil Nadu Wakf Board,
No.1, Jawfar Srirang Street,
Vallal Seethagathi Nagar,
Behind Customs Office,
Chennai-01.
- 2.The Chief Executive Officer,
The Tamil Nadu Wakf Board,
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+1 CC to M/s.D.SENTHIL, Advocate (SR-86409[F] dated 12/09/2019)

+1 CC to M/s.T.S.MOHAMED MOHIDHEEN, Advocate (SR-86521[F] dated 13/09/2019)

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JM/13.09.2019/4P/7C