



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P(MD)Nos.21208 and 22509 of 2019

and

W.M.P. (MD)Nos.17850 and 17851 of 2019

W.P(MD)No.21208 of 2019:

A.Kaja Mohideen,
President,
Kollam Pattarai Sungam Pallivasal,
Madurai Town,
No.6, Sungam Pallivasal Street,
Madurai.

... Petitioner

Vs.

1.The Chief Executive Officer,
Tamil Nadu Waqf Board,
Jaffar Sirrang Street,
Vallal Seethakathi Nagar,
Chennai 600 002.

2.The Superintendent of Waqf,
Tamil Nadu Waqf Board,
Town Hall Road,
Madurai 625 001.

3.K.Ahamed Raja

4.S.P.N.Basheer Ahamed

5.Pera.Dr.Haji A.Basheer Ahamed

6.Haji.Kaja Nazmudeen

7.M.A.K.Raja Kadhar Ali

8.M.Mohamed Nazmudeen

9.A.Jahir Hussain

... Respondents

R3 to R8 are impleaded as per order of this Court dated 23.10.2019 in WMP(MD)No.18884 of 2019 and R9 is impleaded in WMP(MD)No.19148 of 2019.

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari, to call for the records relating to the impugned order issued by the first respondent in Proc.No.17133/04/B8/MDU, dated 18.09.2019 and the consequential impugned proceedings of the second respondent in Na.Ka.Gs.No.122/19/A8/Madurai/NI.A.V.K. dated 27.09.2019 and quash the same as illegal.



WEB COPY

For Petitioner : Mr.M.Mahaboob Athiff
For R1 and R2 : Mr.S.A.Ajmalkhan
Standing Counsel for Wakf Board
For R3 to R8 : Mr.J.Jeyakumaran
For R9 : Mr.Babu Rajendran

W.P(MD)Nos.22509 of 2019:

K.Ahamed Raja : Petitioner

Vs.

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

2.The Superintendent,
Tamil Nadu Wakf Board,
Town Hall Road,
Madurai - 625 001.

3.A.Kaja Mohideen,
The President,
Kollam Pattarai Sungam Pallivasal,
Madurai Town,
No.6.Sungampallivasal Street,
Madurai.

: Respondents.

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, to direct the first respondent to constitute a separate committee to conduct election in Kollam Pattarai Sungam Pallivasal as per the direction issued by this Court in W.P.(MD)No.2843 of 2010 and C.R.P.(NPD) MD.No.1604 of 2009, dated 15.12.2011.

For Petitioner : Mr.J.Jeyakumaran
For R1 and R2 : Mr.S.A.Ajmalkhan
Standing Counsel for Wakf Board



COMMON ORDER

Writ petition in W.P(MD)No.21208 of 2019 is filed for challenging the order of waqf board dated 18.09.2019 and the consequential order dated 27.09.2019 passed by the second respondent in Na.Ka.Gs.No.122/19/A8/Madurai/NI.A/V.K.

2.The grievance of the petitioner in W.P(MD)No.21208 of 2019, is that they hold office till new set of office bearers to be elected and approved by the Waqf Board. Therefore, their status will come only after handing over the charges to new office bearers. Hence a direction issued by the waqf to hand over the keys to them is not sustainable.

3.W.P.(MD)No.22509 of 2019 is concerned, the petitioner seeks a direction to constitute a separate committee to conduct election in Kollam Pattarai Sungam Pallivasal as per the direction of this Court in W.P.(MD)No.2843 of 2010 and CRP(NPD)MD.No.1604 of 2009, dated 15.12.2011.

4.By consent of both parties both writ petitions are taken up together for final disposal.

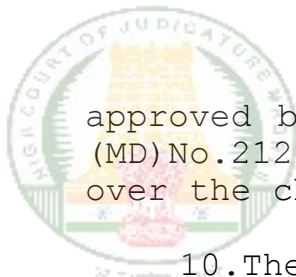
5.Insofar as the conduct of the election is concerned, the parties herein agree that election may be conducted within the time stipulated by this Court preferably within a period of two months.

6.The learned counsel for the petitioner in W.P.(MD)No.22509 of 2019 would submit that the writ petitioner is satisfied, if the election is conducted by an independent Election Officer. When this proposal is made, all the other parties do not have objection for the same.

7.Accordingly, by consent of parties the Honourable Mr.Justice.K.N.Basha, (Retd) is appointed as Election Officer to conduct election for Kollam Pattarai Sungam Pallivasal. It is also agreed by all the parties that election can be completed within a period of two months from the date the election officer takes charge.

8.The remuneration of the election officer will be paid from the funds available with the Pallivasal. The election officer shall be paid remuneration of Rs.2,00,000/- (Rupees Two lakhs)per month including all expenses.

9.It is made clear that this order will not stand in the way of the enquiry pending before the Waqf Board. Once the Election Officer declares successful list of office bearers and after the same is



approved by the first respondent/Waqf Board, the petitioner in W.P (MD)No.21208 of 2019, namely out-going office bearers shall hand over the charge to the in coming office bearers.

10.The purpose of appointing an independent Election Officer is to avoid unnecessary allegations and counter allegations of bias and misuse of power. In that view of the matter, the Election Officer shall not be disturbed by any one. He at his discretion will select neutral persons to assist him besides the available staff of Waqf. The members/voters are entitled to approach the Election Officer for addition, removal, objection of new and existing members as per the schedule fixed by him for the above purpose.

11.With the above directions and observations, both the writ petitions stand disposed of. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)

das

To

1.The Chief Executive Officer,
Tamil Nadu Waqf Board, Jaffar Sirrang Street,
Vallal Seethakathi Nagar, Chennai 600 002.

2.The Superintendent of Waqf,
Tamil Nadu Waqf Board,
Town Hall Road, Madurai 625 001.

COPY TO

THE HONOURABLE MR.JUSTICE.K.N.BASHA, (RETD)
RES.NO.25/1 DR.AMBEDKAR ROAD,
F-I, "STAR" NORTH THIRUMALAI NAGAR,
VILLIVAKKAM, CHENNAI 600 049.

+1CC TO MR.J.JEYAKUMARAN, Advocate Sr. No.93989
+1CC TO MR.BABU RAJENDRAN, Advocate Sr. No.93954
+1CC TO MR.S.A.AJMAL KHAN, Advocate Sr. No. 94092

W.P(MD)Nos.21208 and 22509 of 2019
and W.M.P.(MD)Nos.17850 and 17851 of 2019
23.10.2019

NS(CO)

TR(24.10.2019) 4P 7C