



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.11.2019

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI**

**W.P. (MD) No.21572 of 2019
and W.M.P. (MD) Nos.18245 and 18246 of 2019**

Abdul Malik

... Petitioner

-VS-

- 1.The Tamil Nadu Wakf Board,
Represented by its Chief Executive Officer,
Chennai.
- 2.The Superintendent of Wakf,
Ramanathapuram.
- 3.Mr.Sabiullah,
The Superintendent of Wakf,
Ramanathapuram.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned election notification dated 03.10.2019 in Na.Ka.No.G.S.No.317/Va.Ka./They.A/ Rama/2019 passed by the second respondent and to quash the same and consequentially appoint a commissioner to conduct the election for Wallajah Nawab Jumma Kutba Pallivasal, Sivagangai Town by including the names of all the male Muslims of 18 years and above, who are residents of Sivagangai Town.

For Petitioner : Mr.J.Barathan

For Respondents : Mr.S.A.Ajmalkhan
Standing Counsel

O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.J.Barathan, learned counsel appearing for the petitioner and Mr.S.A.Ajmalkhan, learned Standing Counsel appearing for the respondents.

<https://hcservices.courts.gov.in/hcservices/> 2. This Writ Petition has been filed to quash the election



notification dated 03.10.2019 in Na.Ka.No.G.S.No.317/Va.Ka./They.A/Rama/2019 passed by the second respondent and to appoint a commissioner to conduct the election for Wallajah Nawab Jumma Kutba Pallivasal, Sivagangai Town by including the names of all the male Muslims of 18 years and above, who are residents of Sivagangai Town.

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3.After arguing for sometime, the learned counsel appearing for the petitioner submitted that the petitioner may be permitted to invoke the provisions of the Wakf Act, 1995 and avail the alternative remedy, questioning the election conducted by the said Wakf.

4.As rightly pointed out by the respondents in their counter affidavit in terms of Section 83 of Wakf Act, 1995, any person aggrieved had got a remedy and this has been reiterated in several decisions and more particularly in **Board of Wakf West Bengal and others v. Annies Fathima Begam and another [2011 (1) CTC 636]**.

5.In the light of the above, the Writ Petition is disposed of, giving liberty to the petitioner to workout his remedy under the Wakf Act, 1995. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

Sj

+1CC TO MR.S.A.AJMAL KHAN, Advocate Sr. No.96269

+1CC TO MR.T.R.JEYAPALAM, Advocate Sr. No. 96372

W.P. (MD) No.21572 of 2019
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GKG(CO)

TR(03.12.2019) 2P 3C