



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE **M. GOVINDARAJ**

WEB COPY

W.P. (MD) No. 25236 of 2019
and
W.M.P. (MD) No. 21821 of 2019

M.S.Sahul Hameed : Petitioner
Vs.

1. The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1 Jaffer Syrang Street,
Vallalseethakadi Nagar,
Chennai.

2. The Superintendent of Waqf,
Thanjavur,
Thanjavur District.

3. M.S.M. Barakath Ali Maraikayar,
Muthavalli,
Mohideen Andavar Pallivasal,
Shenbagamahadevi Pattinam,
Peravurani Taluk,
Thanjavur District - 614 630.

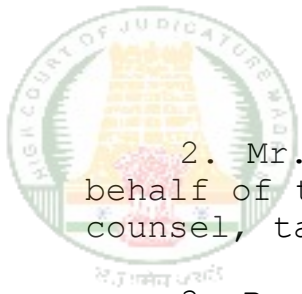
: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to hold election to the Mohideen Andavar Pallivasal Waqf by drawing a proper electoral list and election schedule and adopting the secret ballot method within the time stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Athiff
For Respondents 1&2 : Mr.S.A.Ajmalkhan
For Respondent No.3 : Mr.Jerin Mathew

ORDER

The prayer in the Writ Petition is for a Writ of Mandamus, directing the respondents to hold election to the Mohideen Andavar Pallivasal Waqf by drawing a proper electoral list and election schedule and adopting the secret ballot method, within the time stipulated by this Court.



2. Mr.S.A.Ajmalkhan, learned Standing Counsel, takes notice on behalf of the first and second respondents. Mr.Jerin Mathew, learned counsel, takes notice on behalf of the third respondent.

3. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

4. The grievance of the petitioner is that the election for the Pallivasal is not conducted in a fair and transparent manner. The same set of office bearers continue and declared themselves elected by show of hands. In spite of specific requests made to the official respondents, the election by secret ballot method is not adopted. Therefore, the petitioner seeks that election shall be conducted by drawing a proper electoral list, and election schedule and adopting secret ballot method.

5. The learned Standing Counsel appearing for the Waqf Board also would submit that the Waqf Board do not have any objection to conduct the election by secret ballot method.

6. Considering the said submissions, the second respondent/Superintendent of Waqf is directed to hold election for the Mohideen Andavar Pallivasal, Shenbagamahadevi Pattinam, Peravurani Taluk, after drawing voters list and after issuing election schedule and also adopting secret ballot method. The election shall be completed, within a period of four months from today.

7. Mr.S.M.Mohan Gandhi, Advocate, Law Chamber No.65, High Court Buildings, Madurai-23 [Cell No.94436 75638] is appointed as Observer to over see the election process. His remuneration shall be Rs.50,000/- [Rupees Fifty Thousand only] payable by the petitioner. The second respondent shall conduct elections after getting concurrence from the Observer at the stage of publishing voter list, issuance of election schedule, resolution of disputes, polling, counting and announcement of results shall be done in the presence of Observer.

8. The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

Sub Assistant Registrar(CS)

SML

<https://hcservices.ecourts.gov.in/hcservices/>



TO

- 1.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1 Jaffer Syrang Street,
Vallalseethakadi Nagar,
Chennai.
- 2.The Superintendent of Waqf,
Thanjavur,
Thanjavur District.
3. Mr.S.M.Mohan Gandhi,
Advocate, Law Chamber No.65,
High Court Buildings, Madurai-23
[Cell No.94436 75638]

+1 CC to M/s.S.A.AJMAL KHAN, Advocate (SR-102766[F] dated 29/11/2019)

Order made in
W.P. (MD) No.25236 of 2019
Dated: 27.11.2019

PK (CO)
TR(11.12.2019) 3P 5C