

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.11108 of 2020

and

WMP No.13552 of 2020

K.M.Moideen Kunhi

S/o. Kunjumal Haji Muthavalli Jumma Masjid

Kutchery Road Mylapore Chennai 600004.

... Petitioner

Vs

- 1 The Election officer and
Principal secretary to the Government
B.C., M.B.C. and M.W. Department, Secretariat,
Chennai - 600009.
- 2 The Special Officer
The TamilNadu Wakf Board,
No.1 Jaffer Syrang Street,
Vallai Seethakathi Nagar,
Chennai - 600001.
3. The Chief Executive Officer,
TamilNadu Wakf Board,
No.1 Jaffer Syrang Street,
Vallai Seethakathi Nagar,
Chennai - 600001.

... Respondents

Prayer .:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus directing the 1st respondent to consider the petitioner's representation dated 01.07.2020 and include the Petitioner's name in the ensuing election for the Muthavalli member of the Wakf Board for 2020-21 as Muthavalli of Jumma Mosque, Kutchery Road, Mylapore, Chennai - 600004.

For Petitioner : Mr.T.Velumani

For Respondents : Mr.R.Govindasamy for R1
Special Government Pleader
No Appearance for R2 & R3

O R D E R

This matter is taken up for hearing through Video Conferencing mode.

2. This writ petition is filed seeking for a direction to the first respondent to consider the petitioner's representation dated 01.07.2020 and include his name in the ensuing election for the Muthavalli of the Jumma Mosque, Kutchery Road, Mylapore, Chennai - 600004.

3. When this writ petition was taken up for admission earlier on 19.08.2020, the learned counsel appearing for the Wakf Board submitted that the election for Muthavalli has been deferred by the order of the Division Bench made in W.P.No.726 of 2020 dated 17.08.2020. Therefore, he wanted time to get instructions on the prayer made in the writ petition. By recording the said statement, this Court adjourned the matter by three weeks.

4. In the meantime, the learned counsel for the petitioner circulated a letter to the Registry by stating that the order of the Division Bench was stayed by the Hon'ble Supreme Court and that the election to the Muthavalli is going to be held on 09th September 2020. Therefore, this writ petition is taken up today for further hearing.

5. There is no representation for the respondents 2 and 3. However, since the election is scheduled on 09.09.2020, the petitioner wants his representation to include his name in the electoral list, to be considered by the first respondent. Therefore, without expressing any view on the merits of the matter, I direct the first respondent to consider the said application of the petitioner dated 15.06.2020 and pass orders on the same on merits and in accordance with law, after hearing all the parties concerned, by tomorrow itself. Learned Special Government Pleader is directed to inform the respondent about this order.

6. Accordingly, this Writ Petition is disposed of. No costs. The connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-IV)

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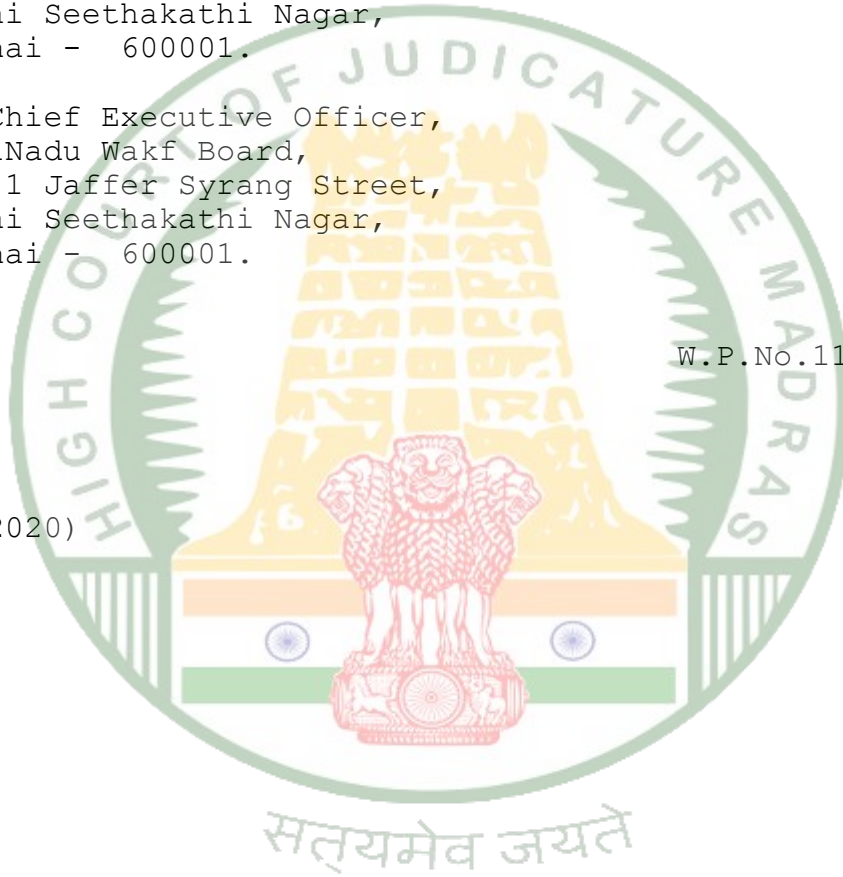
Sub-Assistant Registrar

To

- 1 The Election officer and
Principal secretary to the Government
B.C., M.B.C. and M.W. Department, Secretariat,
Chennai - 600009.
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The TamilNadu Wakf Board,
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W.P.No.11108 of 2020

VGII (CO)
SP (08/09/2020)



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