

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.02.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.32905 of 2019

and

W.M.P.No.33337 of 2019

New Mohalla Sunnath Jamath Masjid,  
Door No.25, Mosque Street, Pallikonda,  
Represented by its Muthavalli,  
P.K.Mohammed Zackriya,  
S/o.P.K.Jani Sahib,  
No.53/26, Jemethar Thoppu,  
second Street,  
Pallikonda, Vellore -635 809. .... Petitioner

..Vs..

- 1.The Chief Executive Officer,  
Tamil nadu Waqf Board,  
No.1, Jaffer Serang Street,  
Vallal Sethagathi Nagar,  
Chennai-600 001.
- 2.The Superintendent,  
Tamil Nadu Wakf Board,  
No.8, Bahadhusa Masgith Campus,  
Sainathapuram, Vellore District.
- 3.Madarasa-I-Anwarul Islam,  
Represented by its self styled Muthavalli,  
No.42 Trunk Road,  
Pallikonda-635 809. .... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first and second respondents to conduct election for the petitioner and the third respondent together as claimed by the petitioner in his representation dated 11.11.2019 in a time bound period.

For Petitioner : Mr.K.Mohanamurali

For Respondents: Mr.V.Lakshmi narayanan for R1 and R2

## ORDER

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, directing the first and second respondents to conduct election for the petitioner and the third respondent together as claimed by the petitioner in his representation dated 11.11.2019 in a time bound period.

2. In the affidavit filed in support of the writ petition, it is stated that the petitioner is notified as a public Wakf by virtue of Government Gazette dated 11.02.1959 under the Central Wakf Act. The petitioner Wakf owned several properties and was also under the control of the third respondent.

3. The petitioner Wakf is having control over a mosque, burial ground, ten commercial shops at Mosque Street, four commercial shops at Katupudi Road, Pallikonda, a house at Mosque Street, another four commercial shops are being constructed at Mosque Street, another house at Jamedhar Garden First Street and another Mosque called Masjide Mohammadia at the same Jamedhar garden First Street, landed properties about 10,000/- sq.ft., and Edgah land at Bangalore Road about 5,000 sq. ft., dry land at Vettuvanam Village measuring about one acre. The petitioner and the third respondent have a common voters list. The elections have not been conducted. In this connection W.P.No.8667 of 2014 was filed seeking to conduct the elections. Since, the elections have not been conducted, the petitioner gave a representation dated 11.11.2019 and till date, his representation has not been considered. Hence, the present writ petition has been filed.

4. The learned counsel appearing for the petitioner would submit that appropriate directions may be issued to the respondent to conduct elections for the petitioner and the third respondent together and dispose of the representation dated 11.11.2019.

5. The learned counsel for the first and second respondent submitted that the first and second respondents would comply with the limited request made by the learned counsel for the petitioner and also accepted to conduct the elections after settling the voters list.

6. Without expressing any opinion on the merits of the case, a mandamus is issued to the first and second respondents to consider the representation dated 11.11.2019 submitted by the petitioner and pass appropriate orders on or before 31.03.2020 in accordance with law and after settling the voters list, fix a date for the elections.

7.With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

tta  
To

- 1.The Chief Executive Officer,  
Tamil nadu Waqf Board,  
No.1, Jaffer Serang Street,  
Vallal Sethagathi Nagar,  
Chennai-600 001.
- 2.The Superintendent,  
Tamil Nadu Wakf Board,  
No.8, Bahadhusa Masgith Campus,  
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- 3.Madarasa-I-Anwarul Islam,  
Represented by its self styled Muthavalli,  
No.42 Trunk Road,  
Pallikonda-635 809.

+1cc to Mr.K.Mohanamurali , Advocate SR.No. 9766  
+1cc to Mr.V.Ragavachari , Advocate SR.No. 9883

A.SK(09/03/2020)

W.P.No.32905 of 2019

सत्यमेव जयते

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