

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2021

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.9529 of 2021

N.M.Noorgani

... Petitioner

Vs

1. The Principal Executive Officer,
Tamil Nadu Wakf Board,
Chennai.
 2. The Superintendent/Election Officer,
Tamil Nadu Wakf Board,
Thanjur
- ... Respondents

* * *

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the respondents to form a common committee to manage the Jamad at Pothakudi Periya Pallivasal, Koothanalur Taluk, Thiruvarur District, pursuant to the petitioner's representation dated 10.03.2021.

For Petitioner : Mr.P.Muthamizh Selvakumar

O R D E R

This writ petition has been filed seeking a direction to the respondents to form a committee to manage the Jamad at Pothakudi Periya Pallivasal, Koothanalur Taluk, Thiruvarur District, based on the petitioner's representation dated 10.03.2021.

2. According to the petitioner, he is resident of Pothakudi, Aaikudi, Koothanalur Taluk, Thiruvarur District, for the past several years. The first respondent, vide proceedings Na.Ka.No.1510/Na.Aa7/Thanjavur dated 26.11.2019, directed the second respondent to conduct the elections for the posts of President, Secretary, Treasurer of the Jamadh and the date of election was fixed on 28.02.2021. The petitioner filed the nomination for the post of Secretary before the second respondent. As per the by-laws of the Jamad, the election has to be conducted once in three years. Though the tenure of the present Jamad came to an end in the year 2019 itself, the second respondent has not taken any action to conduct the election. In the meanwhile, the State Assembly Election was announced by the Election Commission of India and

hence, Jamad election has been cancelled. According to the petitioner, the members of the present Jamad have involved in misappropriation of funds and even no action was taken to conduct Jamad election. Therefore, the petitioner has sent a representation to the respondents on 10.03.2021 requesting them to conduct the election in Jamad. But, the same is kept pending without any progress. Hence, the petition is before this Court.

3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. As per the notification dated 27.02.2021 issued by the second respondent, the election that was originally fixed on 28.02.2021 was cancelled due to the Model Code of Conduct that came into force following the election schedule announced by the Election Commission of India. The very same notification states that as and when the Election Commission of India lifts the Model Code of Conduct, the next date for conducting Jamad election will be announced. In the interregnum, any of the major decisions touching upon the policies of the Wakf, can only be taken by the Principal Executive Officer, Tamil Nadu Wakf Board, who is the first respondent herein. However, without waiting for the Model Code of Conduct be lifted, the petitioner has moved this Court.

5. Considering the facts and circumstances of the case, this Court directs the respondents to announce the date of election for the Jamad at Pothakudi Periya Pallivasal, Koothanalur Taluk, Thiruvarur District, immediately, after the State Assembly Election results are declared.

6. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

srn
To

1. The Principal Executive Officer,
Tamil Nadu Wakf Board,
Chennai.
2. The Superintendent/Election Officer,
Tamil Nadu Wakf Board,
Thanjur.

W.P.No. 9529 of 2021

ad (CO)

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A.SR(22.06.2021)

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