

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.M.A.No.1552 of 2020
C.M.P.Nos.11497 & 11496 of 2020

Muhammad Mujeebur Rahman

...

Appellant

vs.

- 1.The Principal Secretary to Govt,
Backward Classes, Most Backwar,
Classes and Minorities Welfare (T1) Department,
Chennai-600 009.
- 2.The Returning Officer,
Tamil Nadu Waqf Board Elections 2020,
Additional Secretary to Government,
Backward Classes, Most Backward,
Classes and Minorities Welfare,
Secretariat, Chennai-600 009.
- 3.The District Revenue Officer/Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffer Seerang Street,
Vallal Seethakadhi Nagar,
Chennai-600 001.
- 4.The Superintendent of Waqfs,
Tamil Nadu Waqf Board,
Chennai-1.
- 5.P.M.S.Abdul Gaffoor
- 6.A.Abdul Rahman
- 7.G.Gulab Basha
- 8.C.Y.Javid Ahamed
- 9.M.Mohamed Basheer

10.Capt.G.A.Mustafa
Joint Secretary,
Mohammadan Public Library,
Quaide Millat Road,
Chennai-2.

... Respondents

(Cause Title accepted vide order dated 09/10/2020 made in CMP No.11496/2020 in CMA SR 65874 of 2020 TRJ)

PRAYER : Civil Miscellaneous Appeal filed under Rule 23(2) of Tamil Nadu Wakf Board (Conduct of Election for Members) Rules, 1997, to call for the records of the 1st respondent pertaining to G.O(2D).No.19 dated 12.09.2020 Chennai Back ward Classes, Most Backward Classes and Minorities Welfare (T1) Department dated 12.09.2020 and quash the same and consequently, direct the respondents 1 and 2 to conduct fresh elections to the post of Member of Tamil Nadu Waqf Board in the category of Mutawallis within a time frame to be fixed by this Court.

For Appellants : Mr.MeiyappanMohan
for M/s.Richardson Wilson

For Respondents: Mr.Y.T.Aravind Gosh
Additional Government Pleader (CS)
for R1 & R2

Mr.V.Raghavachari for RR3 & 4
No-appearance for RR5 to 10

O R D E R

The Civil Miscellaneous Appeal is filed challenging the Government order passed in G.O (2D) No.19, Backward classes, Most Backward Classes and Minorities Welfare (T1) Department dated 12.09.2020.

2. The Government order relates to the appointment of persons as members of Tamil Nadu Waqf Board in the category of Mutawallis under Section 14(1) of the Waqf Act, 1995. The Government Order unambiguously stipulates that the election to the electoral college consisting of Mutawallis was held on 09.09.2020 by secret ballot as per the procedure prescribed and counting of votes was completed on 10.09.2020. As per Rule 20 of the Tamil Nadu Waqf Board (Conduct of Election for Members) Rules, 1997, the Returning Officer has declared the following persons as elected to the Office of Members of the Tamil Nadu Waqf Board in the category of Mutawallis and given certificates of election to them under Rule 21 of the said rules subject to further orders of the Hon'ble Supreme Court of India and the outcome of the Special Leave Petition filed by the Government of Tamil Nadu (Diary No.17419/2020) against the orders of the High

Court of Madras in W.P.Nos.726/2020, 8377/2020 and 9557/2020 in the Supreme Court of India.

3. The learned counsel appearing on behalf of the appellant brought to the notice of this Court that the said Special Leave Petition was disposed of by the Hon'ble Supreme Court of India on 03.11.2020 in Civil Appeal Nos.3603 to 3605 of 2020 and the Hon'ble Supreme Court of India in paragraph No.28 of the order has observed thus:

28. In result, the fresh election of two members in category under Section 14(1)(b)(iv) held in the year 2020 shall become non est and Syed Ali Akbar and Dr.Haja K.Majeed shall continue to occupy their office till their normal tenure of five years from 10.10.2017.

4. In view of the judgment of the Hon'ble Supreme Court of India, no further consideration is required as the parties are bound to implement the orders passed by the Hon'ble Supreme Court of India in the case cited supra. With these observations, the Civil Miscellaneous Appeal stands disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssb
To

- 1.The Principal Secretary to Govt,
Backward Classes, Most Backwar,
Classes and Minorities Welfare (T1) Department,
Chennai-600 009.
- 2.The Returning Officer,
Tamil Nadu Waqf Board Elections 2020,
Additional Secretary to Government,
Backward Classes, Most Backward,
Classes and Minorities Welfare,
Secretariat, Chennai-600 009.

3.The District Revenue Officer/Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffer Seerang Street,
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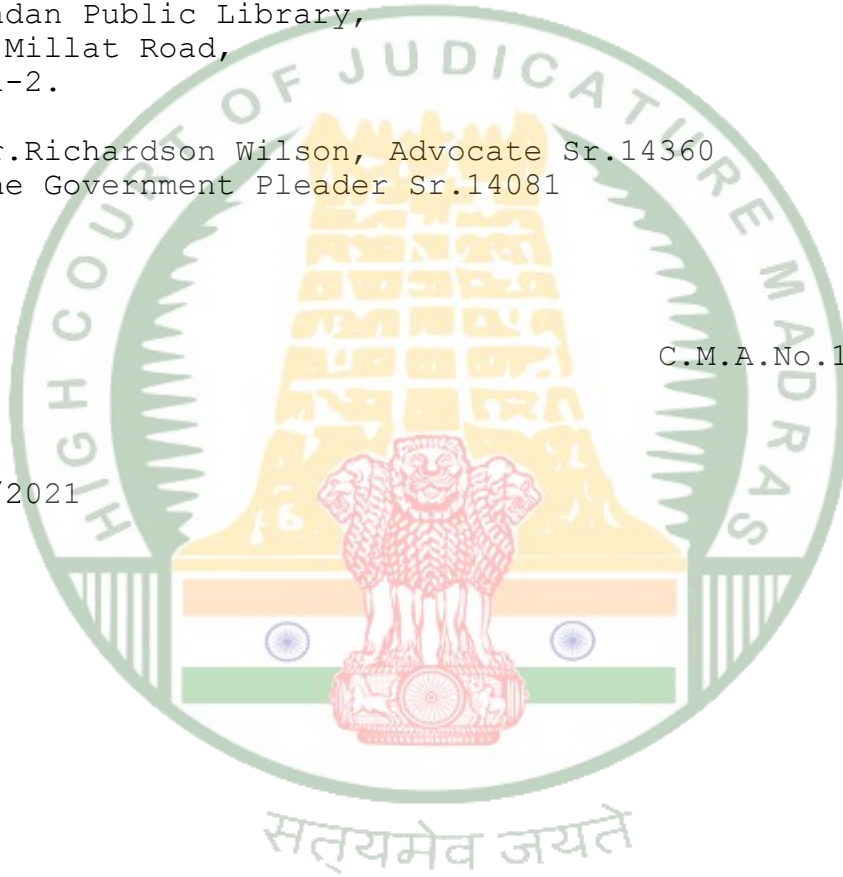
4.The Superintendent of Waqfs,
Tamil Nadu Waqf Board,
Chennai-1.

5.Capt.G.A.Mustafa
Joint Secretary,
Mohammadan Public Library,
Quaide Millat Road,
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+1cc to Mr.Richardson Wilson, Advocate Sr.14360
+1cc to the Government Pleader Sr.14081

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srg 25/03/2021



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