



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2021

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THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.14185 of 2021

and

W.M.P(MD).Nos.11131 and 11133 of 2021

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... Petitioner

Vs.

1. The Tamil Nadu Wakf Board,
Rep. by Chief Executive Officer,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.
2. The Superintendent of Wakf,
o/o. The Superintendent of Wakf,
Tamil Nadu Wakf Board,
K.A.P.Complex,
Thiruvananthapuram Road,
Palayamkottai, Tirunelveli.
3. The Election Officer,
Malick Dhinar Baithulmal Pallivasal Wakf,
Pon Arippu Street, Kottar,
Nagercoil, Kanniyakumari District-629 002.
4. Jahangir
5. Sameer
6. Mohamed Ali
7. Nazeer

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order in Na.ka.G.S.No.18/Wa.Ka/ They.A/TVL/ 2021 dated 28.07.2021 passed by the third respondent and quash the same as illegal, consequently directing the respondents 1 and 2 to issue afresh notification for conducting election to the Malick Dhinar Baithulmal Pallivasal Wakf, Kottar, Nagercoil, Kanniyakumari District.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.S.A.Ajmal Khan for R1 and R2



O R D E R

The petitioner challenges an order dated 28.07.2021 pertaining to the election to the Malick Dhinar Baithulmal Pallivasal Wakf. The petitioner challenges the said election on the basis that his nomination was not accepted when he attempted to file the same on 26.07.2021. He further states that the election was not conducted properly and that therefore the results thereof are to be annulled.

2. Mr.S.A.Ajmal Khan, learned Senior Counsel, accepts notice on behalf of respondents 1 and 2. He points out that the election was concluded as indicated by the impugned communication dated 28.07.2021. Consequently, the election would have to be challenged before the Tribunal in accordance with law. Besides an earlier order of this Court in W.P(MD).No.13002 of 2021 is cited, whereby, by order dated 04.08.2021, a writ petition for similar relief was dismissed.

3. In view of the fact that the elections were concluded and bearing in mind the existence of an alternative remedy, the present writ petition is not entertained.

4. Accordingly, W.P(MD).No.14185 of 2021 is dismissed by leaving it open to the petitioner to institute appropriate proceedings to challenge the election in accordance with law. There will be no order as to costs. Consequently, connected W.M.P(MD). Nos.11131 and 11133 of 2021 are closed.

Sd/-

Assistant Registrar (CS-III)

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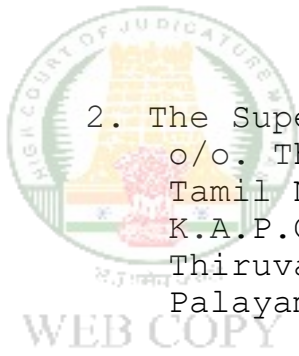
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Sub Assistant Registrar(CS)

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To:

1. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.



2. The Superintendent of Wakf,
o/o. The Superintendent of Wakf,
Tamil Nadu Wakf Board,
K.A.P.Complex,
Thiruvananthapuram Road,
Palayamkottai, Tirunelveli.

3. The Election Officer,
Malick Dhinar Baithulmal Pallivasal Wakf,
Pon Arippu Street, Kottar,
Nagercoil, Kanniyakumari District-629 002.

W.P. (MD) No.14185 of 2021
12.08.2021

PS (CO)
KB(25.08.2021) 3P 4C