



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).Nos.16588 of 2021

M.J.Mohammed Hussain

... Petitioner

Vs.

The Tamil Nadu Waqf Board,
Rep.by its Chief Executive Officer,
Jaffer Syrang Street,
Vallalseethakathi Nagar,
Chennai.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to hold elections to the Mohaideen Andavar Mosque Waqf, Pattukottai to elect its office bearers by passing orders on the petitioner's representation dated 22.12.2020 in light of the proceedings of the respondent dated 19.02.2020 within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Athiff
for M/s.Ajmal Associates
For Respondent : Mr.N.Mohaideen Basha

ORDER

The petitioner seeks a direction to hold election to the Mohaideen Andavar Mosque Waqf, Pattukottai for the election of office bearers.

2.The petitioner states that he is a resident of Pattukottai and that the above mentioned Waqf is a notified Waqf in G.S.No.332 of 2013 under Section 6 of the Waqf Act, 1995. One M.A.Amanullah was the muthawalli of the said Waqf between 2008 and 2019. He was removed by the Waqf Board, which took over direct management from the year 2019 under Resolution No.28/14 dated 09.01.2019. Thereafter, it is stated that action was initiated to conduct elections by proceedings dated 19.02.2020. A notification was also issued in such regard on 21.09.2020. The present writ petition is filed on account of the failure of the Waqf Board to hold elections.

3.Mr.Mohaideen Basha, learned Counsel ,accepts notice on behalf of the respondent. He submits that the present dispute should be carried to the jurisdictional Waqf Tribunal. In addition, he submits that an adhoc committee was constituted. Such committee's tenure extends up to 16.02.2022. Therefore, he submits that the request of the petitioner cannot be countenanced.



4. On the other hand, learned counsel for the petitioner submits that the Waqf Tribunal's jurisdiction is in respect of challenges to specific orders, where as a petition for the conduct of elections is maintainable before this Court. As regards the adhoc committee's remit, he submits that such committee was constituted so as to conduct elections and elect office bearers. Therefore, he submits that the continuance of such committee is not an impediment for the conduct of elections.

5. Upon considering the rival submissions, I find that the representation of the petitioner pertains to the election of office bearers. Therefore, the respondent is under an obligation to consider such representation since an election should be conducted within a reasonable time.

6. Accordingly, without going into the merits of the matter, the respondent is directed to consider the petitioner's representation dated 22.12.2020 and dispose of such representation by a reasoned order within a period of three (3) months from the date of receipt of a copy of this order. Before taking a decision in the matter, the respondent is directed to provide a reasonable opportunity to the petitioner and any other persons who would be affected by a decision on this issue.

7. W.P. (MD). No. 16588 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

sn/sji

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Chief Executive Officer,
The Tamil Nadu Waqf Board,
Jaffer Syrang Street,
Vallalseethakathi Nagar,
Chennai.

W. P (MD) . No. 16588 of 2021

16.09.2021

RD(24.09.2021) 2P 2C

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