



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.16852 of 2021

and

W.M.P(MD)No.13736 of 2021

K.Abdul Hameed

... Petitioner

Vs.

1.The Chairman,

Tamil Nadu Wakf Board,
No.1, Jaabarsingh Road,
Seethakathi Nagar,
Chennai.

2.The Chief Executive Officer,

Tamil Nadu Wakf Board,
Chennai.

3.The District Collector,

Collectorate,
Theni District.

4.The Revenue Divisional Officer,

Uthamapalayam,
Theni District.

5.The Tahsildar,

Uthamapalayam,
Theni District.

6.Election Officer / Wakf Superintendent,

South Zone,
No.1, Town Hall Road,
Pallivasal Campus, 2nd Floor,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent and his agents and servants to defer the polling date to conduct the election to Vaver Palli Jamadh Committee indefinitely till suppression of Covid-19 pandemic by considering the petitioner's representation, dated 09.09.2021 and dispose of the same within the time fixed by this Court.



For Petitioner
For RR 2 & 6
For RR 3 to 5

: Mr.K.K.Samy
: Mr.S.A.Ajmal Khan
: Mr.P.Thilak Kumar
Government Pleader

WEB COPY

ORDER

(Order of the Court was made by **M.DURAISWAMY, J.**)

The petitioner has filed the above Writ Petition as a Public Interest Litigation to issue a Writ of Mandamus, directing the first respondent to defer the polling date to conduct the election to Vaver Palli Jamadh Committee till suppression of Covid-19 pandemic by considering the petitioner's representation, dated 09.09.2021.

2.On a careful consideration of the materials available on record and the submissions made by the learned counsel appearing for the petitioner, it could be seen that originally the Election to the Committee was scheduled to be held on 05.09.2021. In view of the letter sent by the Tahsildar, Uthamapalayam, dated 04.09.2021, to cancel the Election, the Election was re-scheduled to 19.09.2021 by order, dated 07.09.2021.

3.The main contention of the petitioner is that since Covid-19 pandemic is spreading, it would not be proper to conduct the Election on 19.09.2021, but in the order dated 07.09.2021, the Election Officer has categorically stated that the Election would be conducted on 19.09.2021 strictly following the Covid-19 protocol and that they have also removed the zinc sheets put up in a polling booth in Ward No.15 in order to curtail the spread of the virus.

4.When the Election process had already commenced, the petitioner cannot seek for postponement of the Election unless the same was done by the Election Officer. When the sixth respondent has stated that the Election would be conducted strictly following the Covid-19 protocol, we do not find any reason to grant the relief sought for in the Writ Petition.

5.In such view of the matter, the Writ Petition is devoid of merits and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

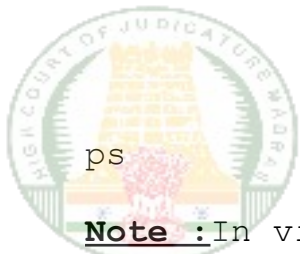
Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



ps

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

- 1.The Chairman,
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No.1, Jaabarsingh Road,
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South Zone,
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Madurai.

+1 CC to M/s.K.K.SAMY, Advocate (SR-29818[F] dated 21/09/2021)

+1 CC to M/s.SPL. GP (SR-29589[F] dated 20/09/2021)

W.P (MD) No.16852 of 2021
17.09.2021

NSN (CO)
KB (27.09.2021) 3P 9C