



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **29.11.2021**

CORAM

THE HON'BLE MR. JUSTICE M.SUNDAR

W.P (MD) No.1142 of 2016

and W.M.P. (MD) No.4552 of 2016

WEB COPY

S.M.Jainoon

... Petitioner

Vs.

1.The Superintendent of Wakf
Tamil Nadu Wakf Board,
Town Hall Road,
Madurai - 625 001.

2.The Inspector of Wakf,
Tamil Nadu Wakf Board,
Ramanathapuram.

3.The Sub-Inspector of Police,
Thiruppulani Police Station,
Thiruppulani,
Ramanathapuram District.

4.The President,
Jalal Jamal Jumma Pallivasa,
Periyapattanam
Ramanathapuram District.

5.The Secretary,
Jalal Jamal Jumma Pallivasa,
Periyapattanam
Ramanathapuram District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 to ensure the peaceful election of New Administrative Committee in Jalal Jamal Jumma Pallivasa at Periyapattanam, Ramanathapuram District by permitting Sunnathval Jamath Members alone to participate by considering petitioner's representation dated 13.01.2016 within the period stipulated by this Court.

For Petitioner	: Mr.A.Haja Mohideen
For Respondents	: Mr.Mohamed Hashim for
	Mr.N.Mohideen Basha
	Standing Counsel for R1 & R2
	A.Baskaran,
	Additional Govt. Pleader for R3
	No Appearance for R4



O R D E R

Read this in conjunction with and in continuation of earlier proceedings made in the previous listings on 19.11.2021, 23.11.2021, 24.11.2021 and 25.11.2021, which read as follows:

'19.11.2021:

Mr.N.Mohideen Basha, learned Standing Counsel for Tamil Nadu Waqf Board on behalf of respondents 1 and 2, Mr.A.Baskaran, learned Additional Government Pleader on behalf of third respondent and Mr.B.N.Raja Mohamed, learned counsel for implead petitioner vide W.M.P(MD). No.4552 of 2016 are before this Court.

2. Respondent No.4 has been duly served, name shown in the cause list and none appeared. Respondent No.5 remains unserved. It is also pointed out by learned Standing Counsel for Tamil Nadu Waqf Board that the prayer in the captioned writ petition has become infructuous as the elections were since been conducted.

3. However, Mr.A.Haja Mohideen, learned counsel on record for the lone writ petitioner submits that he has returned the papers to the writ petitioner and given change of vakalatnama. Registry to verify if any new counsel has entered appearance and show the name of the new counsel if the vakalatnama is in order. If that no be so, Registry to show the name of the writ petitioner with complete address as in the cause title in the next listing.

4. With the intention of giving opportunity to the writ petitioner, Registry to list this matter on 23.11.2021.

5. List on 23.11.2021.

23.11.2021:

Read this in conjunction with and in continuation of earlier proceedings made in the listing on 19.11.2021.

2. Pursuant to the aforementioned earlier proceedings, Registry has shown the name of the writ petitioner together with full / complete address in the cause list. Notwithstanding, there is no representation for the writ petitioner.



3.Regarding respondents, same set of learned Standing Counsel for Tamil Nadu Waqf Board and State Counsel are before me in this listing also.

4.Therefore, with the intention of giving further opportunity to the writ petitioner, Registry to list this matter tomorrow again.

5.List on **24.11.2021.**

24.11.2021:

Read this in conjunction with and in continuation of earlier proceedings made in previous listing on 23.11.2021, the position is no different today. In other words, Mr.N.Mohideen Basha, learned Standing Counsel on behalf of respondents 1 and 2 in the main writ petition and Mr.A.Haja Mohideen, learned counsel on record for the implead petitioner in captioned writ miscellaneous petition are before this Court. However, as there is no representation for the writ petitioner today also, with the intention of giving opportunity to the writ petitioner and writ petitioner's counsel, Registry is directed to list this matter again tomorrow.

2. List on 25.11.2021.

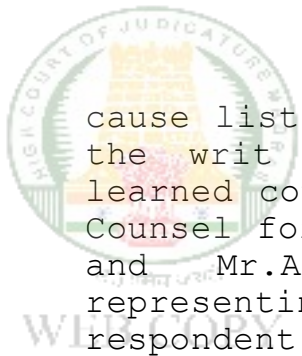
25.11.2021:

Read this in conjunction with and in continuation of earlier proceedings made in previous listings on 19.11.2021, 23.11.2021 and 24.11.2021, the position is no different today. In other words, Mr.N.Mohideen Basha, learned Standing counsel for Tamil Nadu Waqf Board on behalf of respondents 1 and 2, Mr.A.Baskaran, learned Additional Government Pleader representing the Additional Public Prosecutor's office for third respondent are before this Court.

2. In the light of there being no representation for the writ petitioner for three consecutive successive previous listings, Registry to list this matter under the caption 'FOR DISMISSAL' on Monday.

3. List on 29.11.2021.'

2.Pursuant to the last of the aforementioned proceedings made in the previous listing on 25.11.2021, captioned writ petition has been listed under the cause list caption 'FOR DISMISSAL' today. Notwithstanding, captioned writ petition being listed under the



cause list caption 'FOR DISMISSAL', there is no representation for the writ petitioner today also. However, Mr.Mohamed Hashim, learned counsel representing Mr.N.Mohideen Basha, learned Standing Counsel for Tamil Nadu Wakf Board on behalf of respondents 1 and 2 and Mr.A.Baskaran, learned Additional Government Pleader representing the additional public prosecutor's office for third respondent are before me.

3.As this is the fifth consecutive / successive listing, where there is no representation for writ petitioner, captioned writ petition is dismissed for default / non-prosecution. The captioned WMP has been filed with an impleading prayer but there is no representation for petitioner. The implead prayer has worked itself out and the captioned WMP is therefore, disposed of as closed. There shall be no order as to costs.

Sd/-

Assistant Registrar (A.D II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Superintendent of Wakf
Tamil Nadu Wakf Board,
Town Hall Road, Madurai - 625 001.
- 2.The Inspector of Wakf,
Tamil Nadu Wakf Board, Ramanathapuram.
- 3.The Sub-Inspector of Police,
Thiruppulani Police Station,
Thiruppulanai, Ramanathapuram District.
- 4.The President, Jalal Jamal Jumma Pallivasa,
Periyapattanam, Ramanathapuram District.

+1 CC to M/s.SPL GP (SR-36518[F] dated 30/11/2021)

W.P (MD)No.1142 of 2016

29.11.2021

RS (07.12.2021) 4P 6C

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