



W.P. No. 14006 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

**W.P. No. 14006 of 2022
and
W.M.P. No. 13257 of 2022**

1. Syed Fazal Basha
2. Syed Sadiq Basha
3. Mohamed Ikramulla Sherief
4. Ajaz Ahmed
5. S.D.Abdul Latheef
6. P.S.Mohamed Mohiden

... Petitioners

-VS-

1. The Tamil Nadu Wakf Board,
Rep. by its Chairman,
No. 1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.
2. The Tamil Ndu Wakf Board,
Rep. by its Chief Executive Officer,
No. 1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.
3. The Superintendent of Wakf,
Office of the Wakf, Chennai Zone,
Dr. Besant Road,
Triplicane,
Chennai - 600 005.



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Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioners in this Writ Petition have sought for a direction to the Respondents to conduct election immediately without any delay by secret voting based on electoral voters list approved on 12.10.2018 by the Respondents by appointing the Retired Judge of this Court or any other Fit Person as Election Officer as this Court may deem fit.

3. Learned Counsel for the First to Third Respondents, on instructions, states that there have been two rival groups, one headed by the Petitioners and another headed by the Fourth to Tenth Respondents, and election could not be conducted as the group headed by the Petitioners seeks voting by secret ballot, while the group headed by the Fourth Respondent seeks voting by show of hands, in respect of which dispute certain cases are also pending. In that backdrop, the Wakf Board is said to have conducted an enquiry on 11.05.2022 and after hearing both groups, a resolution was passed to frame a scheme for the Management of the Waqf Institution under Section 69 of the Waqf Act, 1995, and both the groups were requested to submit their draft scheme within a period of 15 days, which has not been complied till date.



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4. Having regard to the aforesaid submissions made, the Petitioners and the Fourth to Tenth Respondents shall submit their draft scheme including the method of conducting election for appointment of Mutawalli and Committee to carry out the Management of the Wakf, to the Wakf Board by 15.12.2022, failing which the Wakf Board without waiting any further, but after affording opportunity of personal hearing to all persons concerned, shall proceed to frame the scheme including the method of conducting election for appointment of Mutawalli and Committee to carry out the Management of the Wakf in accordance with law and complete such exercise by 31.01.2023 and file report of such compliance before the Registrar (Judicial) of the Court.

In fine, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index: Yes/No

Note: Issue order copy by 23.11.2022.



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To

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1. The Chairman,
Tamil Nadu Wakf Board,
No. 1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.
2. The Chief Executive Officer,
Tamil Ndu Wakf Board,
No. 1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.
3. The Superintendent of Wakf,
Office of the Wakf, Chennai Zone,
Dr. Besant Road,
Triplicane,
Chennai - 600 005.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



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P.D. AUDIKESAVALU, J.

vjt

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