



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.03.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

W.P. (MD) No.4247 of 2022

WEB COPY

Asaraf

... Petitioner

/vs./

1.The Chairman,
Tamil Nadu Waqf Board,
No.1, Jaffar Syrang Street,
Vallal seethakathi Nagar, Chennai 600 009.

2.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar, Chennai.

3.The Superintendent of Waqf,
Office of the Superintendent of Waqf,
No.159/3, Therpasayanam Road,
Velipattinam, Ramanathapuram 623 504.

4.The Inspector of Wakf,
Office of the Superintendent of Waqf,
No.159/3, Therpasayanam Road,
Velipattinam,
Ramanathapuram 623 504.

5.Kathar Maideen

6.R.Akbar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents No.1 to 4 to conduct the election for the mosque by name Mathagupatti Pallivasal (Abubakkar Siddiq Rali) Jamath situated at Mathagupatti, Sivagangai District by considering the petitioner's representation dated 07.10.2021 within a time frame fixed by this Court.

For Petitioner : Mr.A.Balaji

For R1 to R4 : Mr.N.Mohideen Basha
Standing Counsel

For R6 : Mr.A.Prem for
M/S.Ajmal Associates



ORDER

This is the second round of litigation at the behest of the petitioner. Earlier the petitioner had filed W.P.(MD) No.19349 of 2021 before this Court, which was dismissed as withdrawn preserving the rights of the petitioner to file a fresh writ petition by impleading the private respondents, vide order dated 15.11.2021. The petitioner has now filed the present writ petition for a Mandamus to direct the respondents 1 to 4 to conduct the election for the Mosque, by name Mathagupatti Pallivasal (Abubakkar Siddiq Rali) Jamath situated at Mathagupatti, Sivagangai District, by considering the petitioner's representation dated 07.10.2021.

2.The writ petition is opposed by both the learned Standing Counsel for the respondents 1 to 4 and the learned counsel for the 6th respondent.

3.The case of the 6th respondent appears to be that the petitioner is not a member of the Jamath and that he represents the interest of rival factions, who have in any event started a separate Mosque and thus the petitioner is fighting a foxy war on their behalf.

4.It is submitted that the Pallivasal belongs to the Waqf, which was registered on 01.11.2021 and that the previous election was held on 09.10.2020 and therefore, it is not open for the petitioner to interfere with the management of the aforesaid Pallivasal. It is therefore submitted that the writ petition is devoid of merits and is liable to be dismissed.

5.I have considered the arguments advanced by the learned counsel for the petitioner, learned Standing Counsel for the respondents 1 to 4 and the learned counsel for the 6th respondent.

6.The facts on record indicate that the Waqf was not registered earlier. It was registered for the first time on 01.11.2021, which is confirmed both by the learned Standing Counsel for the respondents 1 to 4 and the learned counsel for the 6th respondent. The election is said to have taken place prior to the registration of the Waqf on 09.10.2020. It is the case of the petitioner that the election was held in the year 2018 and thereafter, no election was held, when the Waqf was not registered.

7.Considering the fact that there are several disputed question of fact involved and whether the petitioner is a member of Jamath and is offering prayer in the aforesaid Pallivasal or not, I am inclined to dispose of this writ petition by directing the 2nd respondent/Chief Executive Officer, Tamil Nadu Wakf Board, Chennai, to consider the petitioner's representation dated 07.10.2021 and pass appropriate orders on merits and in accordance with law within



a period of 8 weeks from the date of receipt of a copy of this order. It is needless to state that the respondents 5 and 6, who are reportedly in the management of the aforesaid Pallivasal, shall also be heard.

8. This writ petition stands disposed of, accordingly. No costs.

Sd/-

Assistant Registrar (Records)

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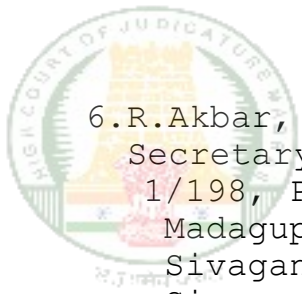
/ /2022

Sub Assistant Registrar (CS)

Mm

To:

1. The Chairman,
Tamil Nadu Waqf Board,
No.1, Jaffar Syrang Street,
Vallal seethakathi Nagar, Chennai 600 009.
2. The Chief Executive Officer,
Tamil Nadu Waqf Board,
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4. The Inspector of Wakf,
Office of the Superintendent of Waqf,
No.159/3, Therpasayanam Road,
Velipattinam,
Ramanathapuram 623 504.
5. Kathar Maideen,
The President of Abubaker Siddik (Razhi) Jum-A Mosque,
1/198, Perumal Kovil Street,
Madagupatti,
Sivagangai Taluk,
Sivagangai District.



6.R.Akbar,
Secretary of Abunaker Siddik (Razhi) Jum-A Mosque,
1/198, Perumal Kovil Street,
Madagupatti,
Sivagangai Taluk,
Sivagangai District.

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+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-11403[F] dated
11/03/2022)

+1 CC to M/s.A.BALAJI, Advocate (SR-11700[F] dated 11/03/2022)

W.P. (MD) No.4247 of 2022
10.03.2022

RD(05.04.2022) 4P 9C