



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.03.2022**

CORAM:

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

W.P. (MD) No.5394 of 2022

and

W.M.P. (MD) Nos.4384 and 4387 of 2022

WEB COPY

Abubaker Siddik (Razhi) Jum-A Mosque (Regn.299/2021),
represented by its Secretary R.Akbar,
Madagupatti,
Sivagangai Taluk,
Sivagangai District.

... Petitioner

/vs./

1.The Tamil Nadu Waqf Board,
represented by its Chairman,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 009.

2.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 009.

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

4.Inspector of Waqf,
Office of the Inspector of Waqf,
Ramanathapuram and Sivakasi,
Sivagangai.

5.Asaraf

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records of the impugned proceedings of the 4th respondent dated 15.03.2022 in Na.Ka.No.Pathiven.299/VaAa/Ram/2022 and quash the same as illegal.

For Petitioner	: Mr.A.Nawaz Khan for M/S.Ajmal Associates
For R1 to R4	: Mr.N.Mohideen Basha
For R5	: Mr.A.Balaji



ORDER

This writ petition has been filed for a Certiorari to call for the records of the impugned proceedings of the 4th respondent in Na.Ka.No.Pathiven.299/VaAa/Ram/2022 dated 15.03.2022 and to quash the same as illegal.

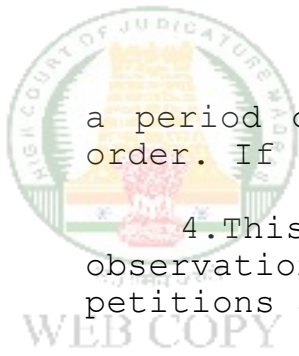
2.The 5th respondent herein had earlier filed W.P.(MD) No.4247 of 2022. The said writ petition was disposed of on 10.03.2022 with the following directions:-

"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."

3.However, immediately thereafter a proceeding was conducted by the respondent Waqf Board on 11.03.2022 without considering the aforesaid directions. The said order was passed in the presence of the learned counsels on either side. Since the impugned notice calling for the election to be held on 01.04.2022 is not in consonance with the order in its dated 10.03.2022 in W.P.(MD) No.4247 of 2022, I am inclined to quash the impugned order by directing the respondents 1 to 4 to comply with the directions of this Court dated 10.03.2022 by hearing the petitioner and the 5th respondent herein, before proceeding further. The respondents 1 to 4 shall complete the exercise after hearing both the petitioner, the 5th respondent and other persons, who may be interested, within



a period of 30 days from the date of receipt of a copy of this order. If required, a fresh notice may be issued.

4.This writ petition is disposed of, in terms of the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The Tamil Nadu Waqf Board,
represented by its Chairman,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 009.
- 2.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 009.
- 3.The Superintendent of Waqf,
Office of the Superintendent of Waqf,
No.159/3, Therpasayanam Road,
Velipattinam, Ramanthapuram 623 504.
- 4.Inspector of Waqf,
Office of the Inspector of Waqf,
Ramanathapuram and Sivakasi,
Sivagangai.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-15103[F] dated
29/03/2022)

W.P. (MD) No.5394 of 2022
28.03.2022

NSN (CO)

PA(07.04.2022) 3P 6C

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