



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN
W.P. (MD) No.7305 of 2022
and
W.M.P. (MD) Nos.5543 and 5544 of 2022

Syed Jalaludeen @ Kamala Bai

... Petitioner

/vs./

1. The Tamil Nadu Wakf Board,
represented by its Chairman,
No.1, Jaffer Syrag Street,
Vallai Chethakathi Nagar,
Chennai.
2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrag Street,
Vallai Chethakathi Nagar,
Chennai.
3. The Superintendent of Wakf,
Trichy Region,
No.8/124, Kayilthaiillath Road,
Palakarai,
Trichy 626 008.

4.M.Syed Salvudeen

5.A.Alla Baks @ Mohhammed Goss

6.N.A.Noordeen

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records in pertaining to the impugned order of the 1st respondent vide his proceedings in Se.Mu. Aanai. 7046/93/A5/Trichy dated 01.04.2022 and quash the same as illegal.

For Petitioner : Mr.T.Vadivelan

For R1 to R3 : Mr.D.S.Haroon Rasheed

**ORDER**

This is the third round of litigation challenging the same notices issued by the 1st respondent.

2. Earlier, W.P. (MD) No. 4229 of 2022 was filed by one N. Syed Sakir. The said writ petition was disposed of at the time of admission by an order dated 10.03.2022 with the following observations:-

"3. The learned counsel for the petitioner submits that the public trustees were appointed in the year 2018 and their term will come to end in the year 2023, whereas the hereditary trustee and Pangali trustee were appointed/elected in the year 2017 and that their terms would come to end on 27.06.2022. It is submitted that even before the fresh elections of Pangali and Mujavars are conducted, the 2nd respondent is taking steps for holding fresh election for the public trustees, though their term would come to end only in 2023.

4. The learned Standing Counsel for the respondents submits that the petitioner's representation dated 01.03.2022 is yet to be taken up for consideration. The petitioner has filed this writ petition without giving breathing time to the respondents on 07.03.2022. It is therefore submitted that the writ petition is liable to be dismissed.

5. By way of rejoinder, the learned counsel for the petitioner submits that the petitioner was forced to rush to the Court immediately after the filing of the representation as the respondents were given only 15 days breathing time for the petitioner to respond.

6. I have considered the arguments advanced by the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

7. This writ petition is disposed of by directing the 2nd respondent/the Chief Executive Officer, Tamil Nadu Wakf Board, Chennai, to dispose of the petitioner's representation dated 01.03.2022 on merits and in accordance with law, within a period of 4 weeks from the date of receipt of a copy of this order. All further election of public trustees shall be kept in abeyance pending disposal of the above representation. No costs."



3. Thereafter, the elections were held, which appears to be *prima facie* in contravention of the aforesaid order. The same was challenged by the very same petitioner, namely N.Syed Sakir in W.P.(MD) No.7036 of 2022.

WEB COPY

4. At the time of admission, the learned counsel for the respondents submits that the said writ petition was not maintainable as the elections had taken place after due consideration of the representation of the said petitioner and that the petitioner therein, namely N.Syed Sakir had no objections. However, the learned counsel for the petitioner was insisting in proceeding with the case. Therefore the case was passed over and the petitioner was asked to appear, who appeared in person.

5. Recording the above, the said writ petition was dismissed and a cost of Rs.5,000/- was also imposed on the said petitioner. Now, this writ petition has been filed by another person, who has given no representation earlier questioning the steps being taken by the 2nd respondent for conducting the election to the office of the public trustee.

6. It appears that the present writ petition is motivated. The fact remains that the election has been conducted and therefore, the petitioner only has to workout the remedy under Section 83 of the Wakf Act, 1995 before the Wakf Tribunal. It is open for the petitioner to rely upon the decision of the Division Bench of this Court in W.A.(MD) No.1100 of 2015 (**A.M.S. Shihabuddin Vs. The Tamil Nadu Wakf Board and others**).

7. The writ petition stands dismissed, in terms of the above observation. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(AE)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

mm



To

1. The Tamil Nadu Wakf Board,
represented by its Chairman,
No.1, Jaffer Syrag Street,
Vallai Chethakathi Nagar,
Chennai.
2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrag Street,
Vallai Chethakathi Nagar,
Chennai.
3. The Superintendent of Wakf,
Trichy Region,
No.8/124, Kayilthailath Road,
Palakarai,
Trichy 626 008.

W.P.(MD) No.7305 of 2022
and
W.M.P.(MD) Nos.5543
and 5544 of 2022
20.04.2022

SP/11/05/2022/4P/4C