



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P (MD) .No.8150 of 2022

1.K.S.Varusai Mohammed
2.S.Rahamathullah

... Petitioners

Vs.

1.The Chairman,
Tamil Nadu Waqf Board,
Santhome, Chennai.

2.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Road, Chennai-600 001.

3.The Election Officer,
Thiruppathur Muslim Uravinmurai
Jamath Committee,
(Periya Pallivasal
Administrative Committee),
Thiruppathur,
Sivagangai District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to dispose of the petitioners' representation dated 30.03.2022 submitted for taking necessary action against the third respondent relating to the election violations were concerned within a time frame as fixed by this Court.

For Petitioners : Mr.B.Prahalad Ravi
For R1 & R2 : Mr.N.Mohideen Basha
For Intervener : Mr.A.Anand

ORDER

The petitioners have filed this writ petition for a Mandamus to direct the respondents 1 and 2 to dispose of the representation dated 30.03.2022.



2.It is the specific case of the petitioners that an election notice was issued only on 19.03.2022 and an election was conducted hurriedly on 27.03.2022 without getting approval from the respondents 1 and 2 and that a representation to this effect has been made and the same is pending before the respondents 1 and 2. That apart, it is submitted that contrary to the practice, the additional posts of Vice President and Joint Secretary have been created, which is not recognized. It is therefore submitted that the petitioner's representation will be disposed of by the respondents 1 and 2.

3.Mr.A.Anand, learned counsel for the intervenor/Mohammed Ismail, who is the elected President, intervened and submitted that the said Mohammed Ismail has to be impleaded in this proceedings.

4.I have considered the arguments advanced by the learned counsel for the petitioner, learned counsel for the respondents and the learned counsel for the intervenor.

5.There is no point in adjourning this matter at this stage, considering the fact that the petitioner's representation requires to be decided by the respondents 1 and 2.

6.Under these circumstances, I direct the petitioner to file a fresh copy of the representation dated 30.03.2022 before the 2nd respondent/the Chief Executive Officer, Tamil Nadu Wakf Board, Chennai, within a period of 10 days from the date of receipt of a copy of this order. On receipt of such representation, the 2nd respondent shall consider the same and pass appropriate orders on merits and in accordance with law, within a period of 3 months therefrom. It is needless to state that all the persons, who said to have been elected on 27.03.2022, shall also be heard, before passing such orders.

7.The writ petition stands disposed of, in terms of the above observation. No costs.

Sd/-
Assistant Registrar(Writ)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

mm



To

The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Road, Chennai-600 001.

+1 CC to M/s.B.PRAHALAD RAVI, Advocate
(SR-22770[F] dated 29/04/2022)

W.P(MD) .No.8150 of 2022
27.04.2022

SP/26/05/2022/3P/3C