



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2022

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P (MD) .No.8446 of 2022

1.Janab.A.M.Yousuf

2.Haji.P.Mirashah

3.Janab.A.Jailani

4.Haji.M.S.F.Rahman

5.Janab.M.Shahulsirajudeen

... Petitioners

Vs.

1.The Tamil Nadu Wakf Board,
Represented by its Chief Executive Officer,
Chennai.

2.The Superintendent of Wakfs,
Tirunelveli.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to pass orders on the representation submitted by the petitioners on 14.04.2022 in reference to Jamia Masjid of Thoothukudi.

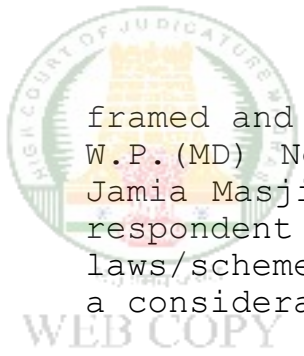
For Petitioners : Mr.N.Dilip Kumar
For Respondents : Mr.K.K.Senthil
Standing Counsel

ORDER

The petitioners have filed this writ petition for a Mandamus to direct the 1st respondent to pass appropriate orders on the representation of the petitioners dated 14.04.2022.

2.It is the specific case of the petitioners that the subject Pallivasal is the ancient Masjid and as per the bye-laws that was in force prior to the new scheme, 18 members were to be elected and that about 50% members were to be elected from the persons residing in the Jamia Masjid Mohallah and that balance 50% members were to be elected from the other locations. However, under the new scheme/bye-law, the rights of the members from the Jamia Masjid Mohallah have been reduced to 5 as against 18 and there is a corresponding increase in the number of posts to 24 from 18.

3.Opposing the prayer, the learned Standing Counsel for the respondents submits that the new scheme/bye-law has already been



framed and that earlier a writ petition was filed by one M.Jaffar in W.P.(MD) No.6245 of 2022 for a Mandamus to hold elections to the Jamia Masjid Waqf, Thoothukudi as per the bye-laws framed by the 1st respondent therein. It is submitted that any alteration in the bye-laws/scheme would further delay the elections, which is overdue for a considerable long period of time.

4.I have considered the arguments advanced by the learned counsel for the petitioners and the learned Standing Counsel for the respondents.

5.The representation of the petitioners as also the representation by the other residents of Jamia Masjid Mohallah dated 05.07.2021 deserve attention. Since the election has not yet been completed, the 1st respondent may consider the representation of the petitioners dated 14.04.2022 and the earlier representation of the residents of Jamia Masjid Mohallah dated 05.07.2021 and dispose of the same on merits and in accordance with law, within a period of 30 days from the date of receipt of a copy of this order. In case, the request of the petitioners is rejected, the petitioners are at liberty to initiate appropriate proceedings in accordance with law to challenge the bye-laws.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Mm

TO:

1.The Tamil Nadu Wakf Board,
Represented by its Chief Executive Officer,
Chennai.

2.The Superintendent of Wakfs,
Tirunelveli.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-22329[F] dated 28/04/2022)

+1 CC to M/s.K.K.SENTHIL, Advocate (SR-22705[F] dated 29/04/2022)

**W.P (MD) .No.8446 of 2022
28.04.2022**

RD(27.05.2022) 2P 5C

<https://hcservices.ecourts.gov.in/hcservices/>