



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2022

CORAM:

THE HONOURABLE **MR.JUSTICE M.NIRMAL KUMAR**

W.P. (MD)No.11155 of 2022

and

WMP(MD) Nos.7986 and 7987 of 2022

Thamimum Nasar

.. Petitioner

Vs

1. The Chief Executive Officer of Wakf,
O/o.The Chief Executive Officer,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai.

2. The Superintendent of Wakf,
O/o. The Superintendent of Wakf,
51/80,KZP Complex
Thiruvandapuram Road,
Kulavanikarpuram,
Palayamkottai, Tirunelveli.

3. The Inspector of Wakf
O/o. The Inspector of Wakf,
Kulavanikarpuram,
Palayamkottai, Tirunelveli

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the impugned order Na.Ka.ji.s.No.367 and 396/Va.Ka./thae.Aa/thi.Veli/2022 dated 19.05.2022 issued by the second respondent and quash the same as illegal and further direct the respondents to stands still the election proceedings going to be conducted on 12.06.2022.

For Petitioner

: Mr.S.M.A.Jinnah

For Respondents

: Mr.N.Mohideen Basha
Standing Counsel.

ORDER

This Writ Petition has been filed to quash the impugned order in Na.Ka.ji.s.No.367 and 396/Va.Ka./thae.Aa/thi.Veli/2022, dated 19.05.2022, issued by the second respondent and further direct the respondents to stands still the election proceedings going to be conducted on 12.06.2022.



2. According to the petitioner one K.M.Syed Jalaludeen had filed a Writ Petition in W.P(MD) No.5867 of 2022, seeking postponement of the election, which was scheduled to be held on 30.03.2022. This Court, on 31.03.2022, had disposed of the said writ petition with a direction that the election to be conducted only after preparing a proper electoral list. Thereafter, on 19.05.2022, a fresh election notification was issued. According to the petitioner, the electoral list not properly enumerated and verified and some name of dead persons found place in the electoral list as well as non members of the Jamad are included. This election is conducted in a coloured manner and the second respondent is indirectly supporting one of the groups, hence, the learned counsel prays for quashing of the election notification.

3.Mr.N.Mohideen Basha, learned Standing Counsel for the appearing for the respondents would submit that the election notification issued on 19.05.2022. As per the notification, schedule drawn, election to be conducted on 12.06.2022. Already nominations filed by the contestants on 26.05.2022, scrutiny was conducted on 27.05.2022, nomination papers verified and the candidates name published on 02.06.222 with details and symbol. As per Jisthiyyar Dharka, there are around 922 members and Haduliya Dharka they are around 982 members, totally around 2000 members. There might have been some repetition or non removal of names of dead persons, whose information might not have known to the returning officer. In any event, this election is to conducted in the presence of contestants and their representatives, the representatives of the candidates can very well identify the persons, thereafter voting is allowed. In case of any doubt, they can raise their objection, which would be considered appropriately. He further submitted that since the election process commenced to attain finality, at this stage, this petition cannot be entertained. He would further submit that the petitioner seconded one of the contesting candidates.

4. Heard the learned counsel appearing on either side and persued the materials available on record.

5.It is seen that election notification issued on 19.05.2022, election is scheduled to be conducted on 12.06.2022 and if at all the petitioner has any objection, he can very well approach the returning officer. Further, the Returning Officer, the second respondent, is an official from wakf Board. Further all the members of the Jamath known to each other well, there is no possibility of mis-identity or wrong identity of candidates. Hence the petitioner's apprehension is unfound. Further, the election process is to attain finality on 12.06.2022, at this stage, this Court is not inclined to quash the election notification.



6.With the above direction, the Writ Petition stands disposed of . No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(RTI)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Aav

TO

1. The Chief Executive Officer of Wakf,
O/o.The Chief Executive Officer,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai.
2. The Superintendent of Wakf,
O/o. The Superintendent of Wakf,
51/80,KZP Complex
Thiruvandapuram Road,
Kulavanikarpuram,
Palayamkottai, Tirunelveli.
3. The Inspector of Wakf
O/o. The Inspector of Wakf,
Kulavanikarpuram,
Palayamkottai, Tirunelveli

W.P. (MD) No.11155 of 2022

and

WMP (MD) Nos.7986 and 7987 of 2022

09.06.2022

NSN (CO)

KB (17.06.2022) 3P 4C