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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P(MD).No.11668 of 2022

Rabeek Mohammed ... Petitioner

Vs.

1.The Tamil Nadu Waqf Board,
Rep by its Chairman,
No.1, Jaffer Syrong Street,
Mannady, Chennai-1.

2.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffer Syrong Street,
Mannady, Chennai-1.

3.The Waqf Superintendent,
Tamil Nadu Waqf Board,
Thanjavur District,
Thivan Nagar,
Court Road (Pallivasal Opposite),
Thanjavur. ...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to consider the petitioner's representation, dated 25.05.2022 and consequently, direct the third respondent to prepare the new eligible voters list (include the 33 wards) of Pattukottai Mohideen Andavar Big Mosque waqf Management Committee election.

For Petitioner : Mr.P.Muthusamy
For Respondents : Mr.S.A.Ajmalkhan
Standing Counsel

ORDER

This writ petition has been filed for a writ of Mandamus to direct the second respondent to consider the petitioner's representation, dated 25.05.2022 and consequently, direct the third respondent to prepare the new eligible voters list (include the 33 wards) of Pattukottai Mohideen Andavar Big Mosque Management Committee election.

2. The petitioner had sent a representation, dated 25.05.2022 to the third respondents requesting the third respondent to prepare new eligible voters list to include 33 wards of Pattukottai Mohideen

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Andavar Big Mosque and to hold the election.

3. The contention of the petitioner is that the Mosque is in existence for more than 100 years and for the past 75 years, no elections conducted. The Muslims from 33 wards are the members of the Mosque. Though some has been registered as members of the Mosque, all of them are not registered properly, and not given voting right, due to which all the members of the Mosque could not participate in the election. Hence, he requested that unless all members are enumerated and updated, the elections can not be held.

4. The learned Standing Counsel for the respondents submits that the Board had conducted a meeting on 01.04.2022. As per the direction of this Court in W.P.(MD).No.16588 of 2021, the Court had directed to conduct the election through secret ballot. Since the enumeration of the voters have been taking sometime, in the meanwhile, contempt petition has been filed. Hence, immediately, the board meeting was conducted and Raghumathullah along with 13 others have been nominated from 17.02.2022 as a post approval, constituting as adhoc committee. Thereafter, direct them to take steps to conduct election if at all the petitioner have any grievance with regard to the members not being enumerated, not permitted to vote. The petitioner can very well approach the third respondent, furnish the particulars, so that the eligible voters can be updated. Now, the enumeration of the voters is in progress. It is for the petitioner to approach the third respondent, without furnishing particulars straight away, the petitioner cannot approach this Court. Further, the petitioner’s representation is not supported with any proof of service to the third respondent.

5. Considering the above submission, this Court finds that the writ petition is a premature one. If the petitioner has any grievance with regard to the preparation of voters list or any of the members not registered, the petitioner shall furnish all particulars to the third respondent with proper acknowledgment. The third respondent will take appropriate action.

6. The writ petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Chairman,
The Tamil Nadu Waqf Board,
No.1, Jaffer Syrong Street,
Mannady, Chennai-1.

2.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffer Syrong Street,
Mannady, Chennai-1.

3.The Waqf Superintendent,
Tamil Nadu Waqf Board,
Thanjavur District,
Thivan Nagar,
Court Road (Pallivasal Opposite),
Thanjavur.

+1 CC to M/s.P. MUTHUSAMY, Advocate (SR-25712[F] dated 15/06/2022)

W.P(MD).No.11668 of 2022
14.06.2022

nsn(CO)
TR(21.06.2022) 3P 5C

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