



W.P.(MD)No.12637 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **21.06.2022**

CORAM:

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

W.P.(MD)No.12637 of 2022

and

W.M.P.(MD).Nos.8951 and 8953 of 2022

1.M.Shajahan
2.Jamal Mohamed
3.N.Nijamudeen
4.Jamal Mohamed
5.K.A.Basheer

.. Petitioners

Vs

1.The Chief Executive Officer,
Tamilnadu Wakf Board,
Chennai-600 001.

2.The District Collector,
Trichy District,
Trichy.

3.The Wakf Board Superintendent/Executive Officer,
Tamilnadu Wakf Board,
Trichy District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorarified Mandamus, calling for the records relating



W.P.(MD)No.12637 of 2022

WEB COPY

to the impugned election notification issued by the third respondent in Na.Ka.No.Gs:210/Trichy/Va.Ka/The.A/2022 dated 26.05.2022 and quash the same as illegal and arbitrary and further direct to select the committee members as per the agreement made first respondent and the Jamath Moideen Aandavar Jumma Pallivasal, Thuvarankurichi, Trichy District.

For Petitioners	: Mr.K.C.Ramalingam
For R2	: Mr.C.Satheesh, Government Advocate
For R1 and R3	: Mr.K.K.Senthil Standing Counsel

ORDER

This Writ Petition has been filed to quash the impugned election notification issued by the third respondent in Na.Ka.No.Gs: 210/Trichy/Va.Ka/The.A/2022, dated 26.05.2022 and further to direct and select the committee members as per the agreement made first respondent and the Jamath Moideen Aandavar Jumma Pallivasal, Thuvarankurichi, Trichy District.



W.P.(MD)No.12637 of 2022

WEB COPY

2.The petitioner had sent a representation, dated 08.06.2022 to the third respondent and copy to the other respondents. The contention of the representation is that the Jammath and committee in the Mohideen Aandavar Pallivasal, shall be selected, and a election notification, dated 26.05.2022 had been issued. In the year 1917, the Pallivasal and Jammad have created and the same has been functioning by nominating the Jammad and committee members from their village. Thereafter, in the year 1955, Pallivasal and the Jammad were handed over to the Tamil Nadu Wakf Board and registered under the Tamil Nadu Wakf Board and assigned serial number as S.No.172, as per the agreement between the Wakf Board and Jammad. As per the agreement in Clause (10), the rule of succession to the post of Muthavalli is by nomination by the Muslims of the locality. Now suddenly election notice was issued, which is against the undertaking given by the Tamil Nadu Wakf Board. Hence, the present writ petition.

3.The learned counsel appearing for the respondents 1 and 3 submitted that it is a Wakf Board, which had the authority to conduct the



W.P.(MD)No.12637 of 2022

election following the Wakf Rules. As per the orders of Tamil Nadu Wakf Board in No.8026/12/Aa5/Trichy, dated 22.10.2021, the election for Jammad and executive members to be conducted by way of secret ballot system and the provisional electoral roll published on 11.01.2022. Thereafter, the election notification has been issued on 26.05.2022. As per the notification, the final electoral list published on 25.06.2022 and filing of nomination on 07.06.2022 and 09.06.2022, the nomination papers are scrutinized and final list candidate will be announced on the same day. The last date of withdrawal of nomination is on 14.06.2022 upto 3.00 p.m and the election of polling will be conducted on 26.06.2022. Now, the petitioner approached and election procedure is almost completed and only election has to be conducted on 26.06.2022. He further submitted that if at all the petitioner has got any grievance, he has to approach the Tribunal under Section 83 of the Wakf Act. The Honourable Apex Court decision had reiterated in the case of ***Board of Wakf, West Bengal and another Vs. Anis Fatma Begum and another*** reported in ***(2010) 14 Supreme Court Cases 588***.



W.P.(MD)No.12637 of 2022

WEB COPY

4.In view of the same, if the petitioner has any grievance, it is for the petitioner to approach the Wakf Tribunal and it has to resolve the dispute under Section 83 of Act. The petitioner is given liberty to approach the Wakf Tribunal to make his submission, if any objections whatever.

5.Accordingly, this writ petition is disposed of. No costs. Consequently, the connected writ miscellaneous petitions are closed.

21.06.2022

Index: Yes/No
Internet : Yes/No
vsg

To:

The District Collector,
Trichy District,
Trichy.



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W.P.(MD)No.12637 of 2022

M.NIRMAL KUMAR, J.

vsg

W.P.(MD)No.12637 of 2022
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W.M.P.(MD).Nos.8951 and 8953 of 2022

21.06.2022