



W.P.(MD)No.13000 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.13000 of 2022

and

W.M.P(MD) Nos.9223 & 9225 of 2022

M.Mohamed Fakrudeen

... Petitioner

Vs.

1. The Tamil Nadu Waqf Board,
rep. by its Chief Executive Officer,
No.1, Jafer Syrang Street,
Vallalseethakathi Nagar,
Chennai.

2. The Superintendent of Waqf,
Tamil Nadu Waqf Board,
Trichy Region,
No.8/124, Kadhai Miller Road,
Palakarai,
Trichy - 08.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Certiorari to call for the records relating to



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the notification issued by the second respondent in Na.Ka.G.S.No. 480/Trichy/T.A./V.K./2022 dated 10.06.2022 and quash the same as illegal.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondents : Mr.S.A.Ajmal Khan
Standing Counsel

ORDER

This writ petition has been filed by the petitioner challenging the issuance of notification in Na.Ka.G.S.No.480/Trichy/T.A./V.K./2022, dated 10.06.2022 passed by the second respondent.

2. The grievance of the petitioner is that he is a resident of Kattu Bava Pallivasal Village, Thirumayam Taluk, Pudukottai District and serving as President of Hazrath Shah Baba Fakrudeen (Kattu Bava Pallivasal) Dargah Wakf, Pudukottai. The said Wakf is administered by a committee consisting of 9 members amongst whom the President is elected, who shall be the Muthawalli of the Wakf. While so, the last election was conducted

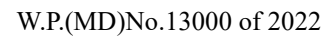


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in the year 2020 and the general body was convened on 18.01.2020 and the administrative committee elected therein and assumed office and are entitled to function until 18.01.2023. The said election was duly communicated to the Board. However, the President of the committee/ erstwhile Muthawalli, Mr.Samsudeen Lebbai had passed away. In view of his demise, the petitioner who was serving as the Vice President, had taken over as the President of the administrative committee.

3. This being so, the second respondent had issued the impugned notification, dated 10.06.2022, notifying the election to the Wakf scheduled to be held on 03.07.2022. The petitioner challenges the same.

4. Learned counsel for the petitioner contended that as per the Wakf Act, the same does not empower the Wakf Board or its Executive Officer, either to conduct elections for individual Wakf or to regulate the same. There is no provision under the Wakf Act. The petitioner has been elected as the muthawalli of the Wakf and has an office until 2023, such being the case, he cannot be deprived of his tenure by holding an election



5. The learned counsel for the respondents submitted that as per Wakf Act, the Wakf Board is empowered to conduct election and the same, notification for election has been announced. The Officer, Tamil Nadu Wakf Board had issued order in Na.Ka.No. Aa5/Pudugai dated 24.03.2022, directing that administrative committee to be elected by secret ballot system and prior to that the eligible voters list to be published by way of public notice on 12.05.2022. So if there is any omission or at least correction, the same can be carried out. Further, the final election voter's list to be published and following the



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same, on 10.06.2022 the final voter's list has been published and on 21.06.2022, the nomination of the candidates received and on the same day, the same may be scrutinized and on 22.06.2022 the accepted nomination list to be published and time was given on 23.06.2022 for withdrawal of any nomination and final list was published on 23.06.2022 and election date scheduled and fixed on 03.07.2022. The petitioner himself has participated in the election and he has filed his nomination on 12.06.2022 with a proposal by Haja Mydeen and one Ashik and the petitioner has signed in it. Thereafter, the petitioner's name has been scrutinized and found eligible and his name found place in the final list as Sl.No.15 and as a candidate for the election having participated in the election, now he cannot question the same

6. Considered the submissions made by the learned counsel appearing for both sides and perused the materials placed before this Court.

7. The petitioner having participated in the election and filed his nomination and he is an eligible candidate in the final list as Sl.No.15, the



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petitioner cannot now question the said election process and hence, this

Court is not inclined to entertain this writ petition.

8. Accordingly, this writ petition is dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

29.06.2022

Index : Yes / No

Internet : Yes / No

RM



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M.NIRMAL KUMAR, J.

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