



W.P(MD)No.15832 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15832 of 2019

K.Ansar Ali Baig

... Petitioner

Vs.

1.The Tamil Nadu Wakf Board,
Represented by its Chief Executive Officer,
No.1, Jaffar Sirang Street,
Vallal Seethakadhi Nagar,
Chennai.

2.The Wakf Inspector,
Periyakulam,
Dindigul District.

3.Haji A.Abbas,
Mutavalli,
Kattunaina Durga Wakf,
Periyakulam,
Theni District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to dispose the petitioner's representation, dated 26.03.2019, relating with allegations and statement against the third respondent, by conducting a detail enquiry and to remove him from the post of Mutavalli to Kattunainar Durga and to appoint the



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petitioner or any other members in his family in the said post and also to take action for retrieve the subject wakf property.

For Petitioner : Mr.R.Suriya Narayanan

For Respondents : Mr.S.A.Ajmal Khan
Standing Counsel for R.1 & R.2

Mr.S.Mohamed Suhail for R.3

ORDER

Heard the learned counsel on either side.

2. The petitioner seeks two fold reliefs. The first one is, the third respondent should be removed from his office by the Wakf Board and that in his place the petitioner must be appointed. The second prayer is that the Wakf Board must enquire into the allegations made by them against the third respondent.

3. The writ petition was filed in July 2019. The election for the Wakf Board was held on 22.03.2019. The only remedy open to the petitioner is to question the said election before the Wakf Tribunal. He cannot seek any relief in writ proceedings in respect of election matters. Therefore, this part of the petitioner's prayer is rejected.



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4. The learned Standing Counsel appearing for the Wakf Board states that enquiry has already been conducted into the petitioner's allegation and final order is yet to be passed. The first respondent is directed to pass final order on the petitioner's complaint after notice to both the parties. Such an order shall be passed within a period of eight weeks from the date of receipt of a copy of this order. I make it clear that I have not gone into the merits of the matter. This writ petition is disposed of accordingly. There shall be no order as to costs.

19.12.2022

Index : Yes / No
Internet : Yes/ No
mga

To

1.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Sirang Street,
Vallal Seethakadhi Nagar,
Chennai.

2.The Wakf Inspector,
Periyakulam,
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G.R.SWAMINATHAN, J.

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