

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2022

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

**W.P.(MD).No.19986 of 2022
and
W.M.P(MD).No.14548 of 2022**

U.Thaga Mydeen

... Petitioner

Vs.

1.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrangh Street,
Mannady,
Chennai.

2.The Superintendent of Wakf,
O/o.the Superintendent of Wakf,
District Wakf Board,
Town Hall Road,
Madurai.

3.The President,
Madurai South Gate Muthaindeen Andawar Dhargah &
Pallivasal and Minanudeen Dhargah & Pallivasal Jamath,
South Gate,
Madurai.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 and 2 to consider the petitioner's representation dated 21.08.2022.

For Petitioner : Mr.S.M.A.Jinnah
For Respondents : Mr.N.Mohideen Basha

ORDER

The petitioner is the member of the Jamath and he is the registered voter. Now, the respondents have created fake voters from outside of the Jamath area and other District for voting in their favour and they were all not the members of the Jamath and petitioner's name was not included in the voters list. In this regard, he has sent a representation dated 21.08.2022. Till date, his representation has not been considered by the respondents. Hence, the present writ petition is filed.

2. The learned counsel for the petitioner submitted that the petitioner's brother's name was included in the voters list, but his name was not included.

3. The learned counsel for the respondent submitted that the election process already commenced from 23.08.2022 and the same to be concluded on 11.09.2022, at this stage, the petitioner's name cannot be included. He would further submit that initially, the petitioner's brother's name was also not included. Thereafter, his brother gave a petition to the Revenue Divisional Officer and after conducting further enquiry only, his name was included. He

would further submit that the petitioner produced some proof, wherein it is stated that the petitioner is residing at South Gate, Maduari, but the Aadhar card shows that he is residing in some other place, which is beyond the jurisdiction of the Jamath and also submitted that if the petitioner is ready to produce the proper proof, they are willing to consider the same.

4. Considering the rival submissions, this Court directs the petitioner to produce proper evidence in proof of his residential address before the concerned respondent. On such receipt, the respondents are directed to consider the same and register the petitioner as member and thereby, the petitioner will become a voter and eligible to vote in further elections. Since the election process for the present is commenced, the same cannot be disturbed now.

5. With the above directions, this Writ Petition is disposed of. No Costs. Consequently, the connected Miscellaneous Petition is closed.

01.09.2022

Index : Yes / No
Internet : Yes/ No
tta

M.NIRMAL KUMAR, J.

tta

To

- 1.The Chief Executive Officer,
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No.1, Jaffar Syrangh Street,
Mannady,
Chennai.
- 2.The Superintendent of Wakf,
O/o.the Superintendent of Wakf,
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