

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2022

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P(MD).No.20731 of 2022

and

W.M.P(MD).Nos.15032 and 15033 of 2022

Haji M.Nainar Mohamed

... Petitioner

Vs.

1.The Tamil Nadu Wakf Board,
Represented by its Chairman,
No.1, Jaffar Srirang Street,
Behind Custom Office,
Vallal Seethagathi Nagar,
Chennai-600 001.

2.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Srirang Street,
Behind Custom Office,
Vallal Seethagathi Nagar,
Chennai-600 001.

3.The Superintendent of Wakf,
Office of the Superintendent of Wakf,
Upstair of Town Hall Road Pallivasal,
Madurai-625 001.

4.Janab M.Sarbudeen

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned Indirect Election Notification issued by the third respondent in his proceedings in ந.க.ஐ.எஸ்.395/வ.க./மதுரை/2022, dated 24.08.2022 and quash the same.

For Petitioner : Mr.D.Selvanayagam
For R1 to R3 : Mr.S.A.Ajmal Khan
Standing Counsel

ORDER

The petitioner filed this writ petition for a writ of Certiorari to quash the impugned indirect election notification in ந.க.ஐ.எஸ். 395/வ.க./மதுரை/2022, dated 24.08.2022 issued by the third respondent.

2. The petitioner is a member of the Muslim Jamath Pallivasal, Peraiyur, who has apprehension from his past experience that such notices are issued on a pre-determination notion deciding who is to be the members of the Executive Members/Jamathars. This notice issued by the third respondent calls for a general body meeting on 11.00 a.m., to decide about the election of executive members. The notice for general body meeting is not for any election, it is a notice for nomination of executive members, which is against the proforma of the Mosque. This selection or nomination of the executive

members was done when the Wakf annual income is within Rs.2,00,000/-. If it is beyond Rs.2,00,000/-, the election has to be conducted. In this case, the Wakf annual turnover is RS.29,00,000/-.

3. The learned Standing Counsel for the respondents 1 to 3 submits as per Proforma, Column 10 of the Wakf clearly mention that the executive members are by selection, by the general body meeting. If the petitioner has got any grievance, the petitioner is free to make his objections during the general body meeting, which is to be held on 18.09.2022 at 11.00 a.m.

4. Recording the same, if any objections given by the petitioner, the respondents to consider the same. It is for the general body to decide the issue whether office bearers are by selection or election. The petitioner's objections can be put forth in the general body meeting. During the meeting, appropriate decision on the petitioner's objection can be taken. The writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

02.09.2022

Index : Yes / No
Internet : Yes/ No
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To

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M.NIRMAL KUMAR, J.

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