



W.P.(MD)No.23743 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2022

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.23743 of 2022

M.Mohammed Nazmudeen

... Petitioner

Vs.

1. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

2. The Superintendent,
Tamil Nadu Wakf Board,
Town Hall Road,
Madurai – 625 001.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 1st Respondent to complete the enquiry proceedings in Na.Ka.No.17133/04/A8/Madurai dated 11.10.2018 and pass final orders within a stipulated time.



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For Petitioner : Mr.J.Jeyakumaran
For Respondents : Mr.K.K.Senthil
Standing Counsel

ORDER

This Writ Petition has been filed to direct the 1st Respondent to complete the enquiry proceedings in Na.Ka.No.17133/04/A8/Madurai, dated 11.10.2018 and pass final orders within a stipulated time.

2. The petitioner is an elected Executive Committee member of the Pallivasal called as 'Madurai Managar Kollam Pattarai Theru, Sungam Pallivasal Muslim Uravinmurai Jamath'. The said Palivasal is a public wakf which is duly registered with Tamil Nadu Wakf Board vide Registration No.GS122/MDU. As per the order of this Court, on 13.12.2015, the election was conducted in presence of the Advocate Commissioner, whereby, one Janab A.Kaja Mohideen was elected as President from 13.12.2015 to 12.12.2018. Since the said period was over, one Jahir Hussain has made a representation before the Wakf Board and requested them to conduct



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election for the said Pallivasal and he filed a Writ Petition seeking direction to the Wakf Board to conduct election for the said Pallivasal.

3. It is further submitted that the Petitioner along with the other executive members had appeared before the Board and also made written submission alleging that the President and the Treasurer had misappropriated the huge sums of money and had also illegally constructed the building inside the premises of the said Pallivasal without obtaining consent from the appropriate general body / authority. Earlier, Writ Petition in W.P.No.21208 of 2019 was filed by the President of the above Pallivasal praying for a Writ of Certiorari challenging the order dated 18.09.2019 passed by the 1st Respondent herein and W.P.(MD)No.22509 of 2019 was filed praying for a Writ of Mandamus to direct the 1st Respondent herein to constitute a separate committee to conduct election. The above Writ Petitions were disposed of by this Court on 23.10.2019, with the following directions:

“9. It is made clear that this order will not stand in the way of the enquiry pending before the Waqf Board. Once



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the Election Officer declares successful list of office bearers and after the same is approved by the first respondent/Waqf Board, the petitioner in W.P.(MD)No.21208 of 2019, namely out-going office bearers shall hand over the charge to the in coming office bearers.

10. The purpose of appointing an independent Election Officer is to avoid unnecessary allegations and counter allegations of bias and misuse of power. In that view of the matter, the Election Officer shall not be disturbed by any one. He at his discretion will select neutral persons to assist him besides the available staff of Waqf. The members/voters are entitled to approach the Election Officer for addition, removal, objection of new and existing members as per the schedule fixed by him for the above purpose.”

4. In the meanwhile, on 24.02.2020, the 1st Respondent has issued a summon to the Executive Members, vide proceedings in Na.Ka.No. 17133/04/A8/Madurai, dated 11.10.2018 and directed them to appear for enquiry on 04.03.2020. It is submitted that replies have been filed during the course of the enquiry. However, the proceedings are still pending. In view of the delay in completing the enquiry, the present Writ Petition has been filed.



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5. It is submitted by the learned Standing Counsel for the Respondents that the enquiry would be completed and orders be passed thereon in accordance with law.

6. In view of the above submission and taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the 1st Respondent herein to complete the enquiry vide proceedings in Na.Ka.No.17133/04/A8/Madurai dated 11.10.2018, on its own merits in accordance with law, within a period of two months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any view with regard to the merits of the same.

7. With the above direction, the Writ Petition stands disposed of.

No costs.

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Index : Yes / No

Speaking Order : Yes / No

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