



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P(MD).No.20685 of 2017

Sheik Mohideen

... Petitioner

Vs.

1.The Chief Executing Officer,
Tamilnadu Wakf Board,
No.1, Jabir Sirang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.

2.The Superintendent of Wakf,
Therpasayanam Street,
Velipattiname,
Ramanathapuram Town,
Ramanathapuram District.

3.H.Kadhar Moideen

4.B.Jaankathar

5.A.Abuthakir

... Respondents

(R3 to R5 are impleaded vide Court order dated
05.12.2017 in W.M.P(MD).No.17358 of 2017)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to not to approve the newly nominated/selected Jamath Committee of Sattur Jamia Masjid by the second respondent on 22.09.2017 and consequently direct the respondents to conduct fresh elections in a democratic manner based on the petitioner's representation dated 01.10.2017.

For Petitioner

: Mr.K.Palmurugan

For Mr.N.Mohideen Basha

For R1 & R2

: Mr.K.K.Senthil

Standing Counsel

For R3 to R5

: Mr.M.Solaisamy

ORDER

The petitioner, who is a member of the Sattur Jamia Masjid filed this writ petition seeking election of the Jamath to be conducted by way of secret ballot in a democratic manner.



2. He further submitted that the office-bearers are selected by the Jamath in a pre-determined manner. The petitioner has sent a representation to the second respondent on 01.10.2017, but no action has been taken. Hence this writ petition filed with the prayer not to approve the newly nominated/selected Jamath Committee of Sattur Jamia Masjid on 22.09.2017.

3. The learned Standing Counsel for the respondents 1 and 2 submitted that the tenure of the earlier committee completed and a new committee to be elected. The election, as per the perfoma, it is seen that it is only a election and not by selection, as contended by the petitioner. Further, every Mosque/Jamia Masjid has got its own practice and customs in holding the elections mostly it is unanimously accepted by all. In case, whether there is a difference between the groups or functioning of the Jamia Masjid, the Waqf Board gives direction and also formulate the scheme to resolve the issues and also to hold elections. The elections are transparent. Further, the officials from the Waqf Board are nominated as Returning Officer to oversee the election. Thereafter, the same is recorded and sent to the Waqf after satisfying in all aspects. Thereafter only, the Committee are approved.

4. The contention of the petitioner is that the Committee selected by pre determination is a fetched one. Furthermore, the Committee for the year 2017-2020 term already over.

5. The learned counsel for the respondents 3 to 5 submit that the election was concluded in a transparent manner in the presence of second respondent. During the election, there was no objection, since the petitioner was not appreciative of the elected members, he made such false allegations. Now, the tenure also completed.

6. Considering the above submission, it is seen that the tenure is completed against whom the petitioner raised some objections. The election has been conducted in a fair and transparent manner in the presence of the officials and there is no rule for any complexity.

7. Recording the same, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

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NSN (CO)
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