



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.18442 of 2023

and

WMP Nos.17659 and 17660 of 2023

W.Abdul Saleem Khan

... Petitioner

vs.

- 1 THE CHAIRMAN
TAMIL NADU WAKF BOARD, NO 1,
JAFFER SYRANG STREET,
VALLAL SEETHAKATHI NAGAR, CHENNAI 600 001
- 2 THE CHIEF EXECUTIVE OFFICER,
TAMIL NADU WAKF BOARD, NO 1, JAFFER SYRANG STREET,
VALLAL SEETHAKATHI NAGAR, CHENNAI 600 001
- 3 THE SUPERINTENDENT OF WAKF,
TAMIL NADU WAKF BOARD, NO 139, DR. BESANT ROAD,
TRIPLICANE, CHENNAI 600 005
- 4 MASJID - E-ASAM MADRASAU-E-RAHMEEMIYA WAKF
REP. BY ITS HEREDITARY MUTHAVALLI / TRUSTEE,
NO. 15 /120, PULIANTHOPE
HIGH ROAD, CHENNAI 600012

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of



India for issuance of a Writ of Certiorarified mandamus to call for the records pertaining to the impugned proceedings vide Na / ka. Enn. 9575 / 06 / Aa9 / Chennai dated 14.03.2023 passed by the 2nd respondent Board and quash and consequently to set aside the impugned order and direct the 2nd respondent to fix a date for conducting fair election in the Masjid premises so as to enable the Musallis to elect and select the committee members from the local areas within the ambit of Masjid without any physical interference of the 4th respondent.

For Petitioner : Mr.S.John Josh for
Mr.S.Abdul Malik
For Respondents : Mr.S.Hajamohideen Gisthi
Standing counsel for R1 to R3

ORDER

This writ petition has been filed challenging the proceedings of the 2nd respondent in Na / ka. Enn. 9575 / 06 / Aa9 / Chennai dated 14.03.2023 and for a consequential direction to direct the 2nd respondent to conduct a fair and fresh election for the Masjid -e-Azam Madrasay-e-Raheemiya Wakf.



and Mr.S.Hajamohideen Gisthi, learned Standing counsel for R1 to R3.

3. The learned Standing counsel appearing on behalf of Board brought to the notice of this Court the earlier order passed by this Court in WP Nos.20581 & 16242 of 2022 dated 19.09.2022. This order squarely covers the issue that has been raised by the petitioner. Infact, one other member had filed WP No.16242 of 2022 and the subsequent two writ petitions. This Court has categorically held that the nature of the prayer and the grounds raised cannot be considered in a writ petition and it can only be agitated before the Wakf Tribunal. On this ground, the writ petitions were dismissed and liberty was given to the petitioners to approach the Wakf Tribunal. When that is so, once again a member has filed yet another writ petition before this Court seeking to set aside the proceedings of the 2nd respondent and for conducting a fresh election.

4. The same issue pertaining to the election is again and again raised before this Court and the earlier writ petitions that were



filed was also dismissed by giving liberty to approach the Wakf Tribunal. This Court does not find any merits in this writ petition and if at all the petitioner is aggrieved by the election, it is left open to the petitioner to approach the Wakf Tribunal if so advised.

5. In the result, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

23.06.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No

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N. ANAND VENKATESH, J.
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