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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.18441 of 2023

K.Azizullah
Son of S.Khaleelulla
No.84, G.S.T.Road
Guduvancheri
Chengalpet District

... Petitioner

vs.

- 1 The Chairman
Tamil Nadu Waqf Board
No.1, Jaffer Syrang Street
Vallal Seethakadi
Mannady, Chennai 600 001.
- 2 The Chief Executive Officer
Tamil Nadu Waqf Board
No.1, Jaffer Syrang Street
Vallal Seethakadi
Mannady, Chennai 600 001.
- 3 The Superintendent of Wakf
Big Mosque Compound
Poonamallee Range
Thiruvallur District
- 4 Jumma Masjid
Represented by its Muthavalli



No.1, Mosques Street
Guduvancheri, Chengalpet District

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st to 3rd Respondents to hear and dispose of the Petitioner's representations dated 25.08.2022, 14.11.2022, 03.02.2023 & 06.02.2023 to conduct the election in a democratic manner after considering the request of the Petitioner and the other jamathars of the Guduvancheri Jumma Mosque Waqf to define the locality limits of the 4th Respondent mosque waqf and thereby draw the voters list eligible to vote in the elections to the 4th Respondent mosque waqf to prevent double exercise of franchise by the residents of the locality limits of the 4th Respondents mosque waqf and conduct election by way of secret ballot within a time frame as fixed by this Court.

For Petitioner : Mr.A.Mohamed Ismail
For Respondents : Mr.Mohamed Fayaz Ali
Standing counsel

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the Wakf Board to consider the representation



made by the petitioner and to conduct the election after determining the locality of the 4th respondent wakf and prepare the voters list and thereafter conduct the election.

2. Heard Mr.A.Mohamed Ismail, learned counsel for the petitioner and Mr.Mohamed Fayaz Ali, learned Standing counsel for respondents.

3. The learned Standing counsel appearing on behalf of the Board submitted that before the election is conducted for the 4th respondent wakf, as a regular procedure the Board will always determine the locality limits and prepare the voters list and only thereafter, the election will be conducted. The learned Standing counsel submitted that persons belonging to two different wakfs are attempting to participate in the election and vote. However, there is no clarity with regard to the other wakf about which the petitioner is making reference.

4. The petitioner is directed to make a fresh



representation to the Tamil Nadu Wakf Board, represented by its Chief Executive Officer, by giving all the details and specifically mentioning the discrepancy with regard to the preparation of the voters list. The same shall be considered by the Wakf board and the election shall be conducted for the 4th respondent wakf after preparing proper voters list which fall within the locality limits and thereafter, complete the process of election. This process shall be completed by the Board within a period of three months from the date of receipt of the representation to be made by the petitioner.

5. This writ petition is disposed of with the above directions. No costs.

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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