



W.P.No.20243 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.20243 of 2023

A.Syed Ahamed Mohideen

... Petitioner

VS.

1.Union of India

Rep. by its Chief Secretary to Government
Government of Puducherry
Puducherry.

2.Under Secretary to Government (Waqf)

HRI & Waqf Secretariat
Department of Hindu Religious Institutions and Waqf
Government of Puducherry
Puducherry.

... Respondents

PRAYER: Writ Petition is filed Under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd Respondent to consider petitioner representation dated 16.12.2022 and to notify and conduct the first meeting of the Puducherry State Waqf Board for the election of Chairperson of the Puducherry State Wafq Board from amongst members of board as per Section 14(8) of Waqf Act, 1995 r/w Rule 43(1) of Puducherry State Waqf Rules, 2018.

For Petitioner : Mr.R.Saravanan
for M/s.T.Sai Krishnan



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For Respondents : Mr.Nirmalkumar
Government Advocate (Pondicherry)

ORDER

The writ petitioner has come up with this writ petition seeking a direction to the 2nd respondent to consider the petitioner's representation dated 16.12.2022 and issue necessary notification for conducting the first meeting of Puducherry State Waqf Board for the election of Chairperson.

2. Mr.Nirmalkumar, learned Government Advocate (Pondicherry) takes notice for the respondents.

3. It is the case of the petitioner that he was elected as one of the Member of Puducherry State Waqf Board on 29.08.2020. Thereafter, the 2nd respondent issued a Government Order in G.O.Ms.No.28/US(waqf)/T.10/2022, dated 21.06.2022 reconstituting the Union Territory of Puduchery Waqf Board and appointed five members including the petitioner to the Waqf Board. Thereafter, the 2nd respondent by Proceedings No.16/PSWB/CWB/W.O/2022(1) dated 13.07.2022 convened a meeting of the Wakf Board for election of Chairperson of the Puducherry State Waqf Board on 21.07.2022 at 11.00 a.m. However, by a subsequent



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proceedings dated 20.07.2022, the 2nd respondent cancelled the meeting on administrative grounds and postponed the election for Chairperson of the Puducherry State Waqf Board until further orders.

4. The grievance of the petitioner is that till date the meeting of the Puducherry State Waqf Board has not been convened for election of Chairperson of the Puducherry State Waqf Board and hence, the Union Territory is without Waqf Board. Therefore, the petitioner has made a representation dated 16.12.2022 to the 2nd respondent. Since the representation of the petitioner was not considered by the 2nd respondent, the petitioner has come up by way of this writ petition.

5. Mr.Nirmalkumar, learned Government Advocate (Pondicherry) representing the respondents, on instructions, submitted that there is a defect in constitution of the Waqf Board. According to the learned Government Advocate (Pondicherry) under Second Proviso to Section 14 (1)(a) of Wakf Act, 1995, atleast two members of the Board shall be women but in the case on hand, only one women Member is appointed. To rectify the defect, the 2nd respondent has initiated necessary proceedings and the process will be



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over by twelve weeks. The said statement made by the learned Government

Advocate (Pondicherry), on instructions, is recorded.

6. In the light of the prayer made by the writ petitioner and also the difficulty expressed by the learned Government Advocate (Pondicherry) for the respondents conveniently, this Court is inclined to direct the 2nd respondent to reconstitute the Waqf Board in accordance with law, within a period of twelve weeks from today and the process of election of Chairperson of the Puducherry State Waqf Board shall be completed within a period of two weeks thereafter. Therefore, the entire process shall be completed within a period of fourteen weeks from today.

7. With the above directions, the writ petition is disposed of. No costs.

10.07.2023

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



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To

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Union of India

Government of Puducherry

Puducherry.

2. Under Secretary to Government (Waqf)

HRI & Waqf Secretariat

Department of Hindu Religious Institutions and Waqf

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S.SOUNTHAR, J.

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