



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.Nos.25473 of 2021 & 23689 of 2022 and W.P.(MD) No.4354 of 2022
and

W.M.P.Nos.22629 of 2022, 5259 & 5262 of 2023 & W.M.P.(MD) No.3678 of 2022

W.P.No.25473 of 2021

A.Mohamed Yousuf

... Petitioner

Vs.

1.The Chairman,
Tamilnadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

2.Tamilnadu Wakf Board,
Rep., by its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

3.Islamic Uravin Murai Trust,
Rep., by its President S.Kadar Mohideen,
Veerasholam Village,
Thiruchuli Taluk,
Virudhunagar District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to take necessary action on his representation dated 08.09.2021 and to enquiry the misdeeds committed



by the persons in the Administration the third respondent.

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For Petitioner : Mr.R.Govindaraj

For Respondents : Mr.S.Haja Mohideen Gisthi, for RR1 & 2
Mr.S.Thankasivan
for Mr.A.S.Vijayaraghavan, for R3

W.P.No.23689 of 2022

Samsuddin, President
Islamiya Uravinmurai Trust Board,
A registered Wakf
Veerachozhan Village,
Thiruchuzhi – 626 612
Virudhunagar District.

... Petitioner

Vs.

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

2.A.Mohammed Yousuf

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records of the first respondent in his proceedings No.14748/05/B3/Viru dated 18.08.2022 and quash the same.

For Petitioner : Mr.S.Thankasivan

For Respondents : Mr.S.Haja Mohideen Gisthi, for R1
Mr.R.Govindaraj, for R2



W.P.(MD) No.4354 of 2022

A.Mohamed Yousuf

... Petitioner

Vs.

1.The Chairman,
Tamilnadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

2.Tamilnadu Wakf Board,
Rep., by its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

3.The Wakf Superintendent,
Tamilnadu Wakf Board,
159/3, Tharppasayanam Road,
Vellipattinam,
Ramanathapuram – 623 504.

4.Islamic Uravin Murai Trust,
Rep., by its President S.Kadar Mohideen,
Veerasholam Village,
Thiruchuli Taluk,
Virudhunagar District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to hold election by secret Ballot by all eligible members of the Jamath as per proforma, under the supervision of the wakf officials to elect the President and other Trustees to administer the 4th respondent wakf.



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For Petitioner : Mr.R.Govindaraj

For Respondents : Mr.S.Haja Mohideen Gisthi, for RR1 to 3
Mr.S.Thankasivan
for Mr.A.S.Vijayaraghavan, for R4 & R5

COMMON ORDER

These Writ Petitions have been filed (i) to direct the respondents 1 and 2 to take necessary action on the petitioner's representation dated 08.09.2021 and to enquire the misdeeds committed by the persons in the Administration of the third respondent; (ii) to call for the records of the first respondent in his proceedings No.14748/05/B3/Viru dated 18.08.2022 and quash the same and (iii) to direct the respondents herein to hold election by secret Ballot by all eligible members of the Jamath as per proforma, under the supervision of the wakf officials to elect the President and other Trustees to administer the fourth respondent wakf.

2. The grievance of the Writ Petitioners is that the respondents passed an order holding that it will not be appropriate for the unapproved committee to continue the administration of the wakf, as the Rule of Succession, not being followed in selecting the office bearers. Therefore, the impugned order came to be passed.



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3. Now, it is stated by the learned counsel for the respondents that the bye laws have been approved and published in Tamil Nadu Government Gazette. Further, the learned counsel appearing for the respondents would submit that the matter requires detailed submissions. Any grievance with regard to the subsequent bye laws and G.O., the same has to be challenged only in the manner known to law.

4. Learned counsel appearing for the Writ Petitioner would submit that as per bye laws, he was already elected. Pursuant to the G.O., passed, his election is ratified. According to him, all the writ petitions become infructuous.

5. Considering the submission of the learned counsel appearing for the petitioners, these Writ Petitions are dismissed as infructuous. Consequently, connected miscellaneous petitions are closed. No costs.

20.02.2023

Index :Yes/No

Neutral Citation: Yes / No

AT



N.SATHISH KUMAR, J.

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AT

To

- 1.The Chairman,
Tamilnadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.
- 2.The Wakf Superintendent,
Tamilnadu Wakf Board,
159/3, Tharppasayanam Road,
Vellipattinam,
Ramanathapuram – 623 504.
- 3.The Chief Executive Officer,
Tamilnadu Wakf Board,
No.1, Jaffer Syrang Street,
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