



WEB COPY



W.P.No.27292 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.09.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.27292 of 2023
and W.M.P.Nos.26725 & 26726 of 2023

M.Zakir Hussain

...Petitioner

Vs.

1.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Sarang Street,
Valla Seethakathi Nagar,
Chennai-600001.

2.The Director of Audit General,
Sivasankaran Road,
Chockalingam Nagar, Teynampet,
Chennai-600086.

3.The Secretary,
Masjid-e-Javeed Mosque,
H5 & H6, III Avenue,
Anna Nagar East,
Chennai-600102.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned notice dated 21.08.2023 issued by the 3rd respondent and quash the same and issue consequential direction to the 1st respondent to forthwith take over the management of the 3rd respondent mosque for the reason of not



W.P.No.27292 of 2023

complying the proceedings dated 18.05.2022 issued by the 1st respondent pursuant to the orders passed by this Court in W.P.No.23262 of 2021 dated 28.10.2021 and prepare the Bye-laws, define the General Body involving all the Muslim Worshipers of Annanagar and conduct fair and free Elections under the supervision of 1st Respondent. Further to pass orders as this Court may deem fit and proper in the facts and circumstances of the case.

For Petitioner : Mr.K.Shahul Hameed
For Respondent 1 : Mr.S.Haja Mohideen Gisthi
Senior Standing Counsel for Wakf Board

ORDER

The writ petition is filed challenging the notice issued by the 3rd respondent, calling for General Body Meeting of Mosque Committee namely Masjid Javeed, In Sha Allah on 17.09.2023.

2.Mr.S.Haja Mohideen Gisthi, learned Senior Standing Counsel (Wakf) takes notice for the 1st respondent.

3.The third respondent is a private party and in his capacity as a Secretary of Mosque Committee, he issued impugned notice, calling for General Body Meeting of Mosque Committee of Masjid Javeed. The writ



W.P.No.27292 of 2023

petition will not lie against a private party when the petitioner is not able to establish any violation of statutory or public duty by the third respondent in convening General Body Meeting to conduct election. Any irregularity in conduct of election to a private body has to be agitated before the Civil Court. As far as allegations regarding maladministration of Wakf is concerned it is for the petitioner to pursue his remedy before the 1st respondent. Hence, the impugned notice convening General Body Meeting to conduct election for electing Office Bearers and to consider other agendas mentioned therein cannot be interfered with. Therefore, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

4.The dismissal of writ petition will not preclude either the petitioner and the 1st respondent from taking any action in accordance with law, in case of proved maladministration, if any.

15.09.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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S.SOUNTHAR, J.

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To

The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Sarang Street,
Valla Seethakathi Nagar,
Chennai-600001.

W.P No.27292 of 2023

15.09.2023