



WEB COPY



W.P.No.28573 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.09.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.28573 of 2023
and W.M.P.No.28122 of 2023

R.Safi

...Petitioner

Vs.

1.The Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffer Sarang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

2.The Zonal Superintendent of Wakfs/
The Election Officer,
No.139, Dr.Besant Road,
Ice House, Triplicane,
Chennai – 600 005

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondent from conducting elections for appointment of board members which is scheduled to happen on 03.10.2023, and publish the draft electoral list, after due consideration of the representation of the petitioners dated 15.09.2023 and for consequential orders.



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For Petitioner : Mr.B.S.Mitraneshaa
For Respondents 1 & 2 : Mr.Mohammed Fayaz Ali

ORDER

The petitioner herein seeks issuance of Writ of Mandamus, forbearing the respondents from conducting elections for the members of Administrative Board of Waqf called Hazarath Thable Alam Badusha Nathervali Dargah.

2.It is the case of the petitioner that he submitted a representation to the Election Commissioner / Authority for conducting election, making certain allegations against one Allah Baksh @ Mohamed Ghouse and without considering the representation, the election for Administrative Board of said Waqf is scheduled to be conducted on 03.10.2023.

3. It is the specific case of the petitioner that the person against whom the petitioner made allegation is likely to contest for election. Therefore, the respondent shall be directed to consider the representation of the petitioner before conduct of election for the Waqf. The representation of the petitioner dated 15.09.2023, was made to the Election Commissioner/Authority, Tamil Nadu Waqf Board for conducting election and the representation was not sent to the respondents herein.



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4. In such circumstances, this Court is not in a position to issue direction to the respondents herein, when the representation dated 15.09.2023 was not sent to them. The petitioner is directed to submit a fresh representation to the 1st respondent within a period of two weeks from the date of receipt of copy of this order. If any such representation is made, the same shall be considered and disposed of in accordance with law after giving opportunity to the petitioner as well as the party against whom the allegations are made by the petitioner within a period of eight weeks from the date of submission of fresh representation.

5. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

29.09.2023

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



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S.SOUNTHAR, J.
nti

To

- 1.The Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffer Sarang Street,
Callal Seehtkathi Nagar,
Chennai – 600 001.
- 2.The Zonal Superintendent of Wakfs/
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No.139, Dr.Besant Road,
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and
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