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C.R.P.No.4124 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2023

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No.4124 of 2023

and

C.M.P.No.25208 of 2023

Captain Mohammed Yaseen B.E.

... Petitioner

-Vs-

- 1.Tamilnadu Waqf Board
Represented by its Chief Executive Officer
No.1, Jaffer Syrang Street
Vallal Seethakathi Nagar
Chennai 600 001.
- 2.Masjid E-Javeed (GS No.307/1975)
Rep.by its Secretary M.Mohamed Yusuf
Door No.5 and 6, H-Block, 3rd Avenue
Anna Nagar East, Chennai-102.
- 3.Anna Nagar Islamic Center
Rep.by its Secretary M.Mohamed Yusuf
Door No,5 & 6, H Block 3rd Avenue
Anna Nagar East, Chennai-102.
- 4.Madarasa Subulus Salam
Rep.by its Secretary M.Mohammed Yousuf
Door No,5 & 6, H Block 3rd Avenue
Anna Nagar East, Chennai-102.



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5.M.K.Mohammed Ameen (Treasurer)
105, Y Block, 11th Street, Anna Nagar
Chennai 600 040.

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order dated 15.09.2023 passed in I.A. No.565 of 2023 in O.A. No.42 of 2023 passed by the Hon'ble Tamil Nadu Waqf Tribunal at Chennai.

For Petitioner	: Mr.R.Rajesh Kumar
For Respondents	: Mr.S.Haja Mohideen Gisthi-for R2 Mr.N.A.Nissar Ahmed, Senior Counsel for Mr.N.A.Nassir Hussain - for R3-R6 R1 - Tribunal

ORDER

Challenging the impugned order passed in I.A.No.565 of 2023 in O.A.No.42 of 2023 passed by the Tamil Nadu Wakf Tribunal at Chennai, the Revision Petitioner preferred this Civil Revision Petition.



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2. Before the Wakf Tribunal, the Revision Petitioner filed an application in I.A.No.565 of 2023 praying to grant an interim direction to the 1st respondent to stop the election, which is going to be conducted illegally on September 17th by the 5th respondent until the disposal of this application. That application was contested by all the respondents by filing two counter affidavits. Considering both side submissions, the Wakf Tribunal held that admittedly the applicant is not a member of 2nd respondent Wakf and also the Wakf Tribunal has no jurisdiction to interfere with the election matters, as such the prayer in the application needs to stop the election is not maintainable. Accordingly, that application was dismissed. Challenging the said findings, the Revision Petitioner preferred this Civil Revision Petition.

3. The learned counsel for Revision Petitioner would submit that already as per the audit report, it is alleged that there was a mismanagement conducted by the earlier committee and if at all, they are permitted to conduct the election, which would amount to encourage illegality. But, the Wakf Tribunal failed to appreciate the said legal



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proposition and erroneously dismissed the application, which needs interference.

4. Noticed served. The learned counsel for 2nd respondent and respondents 3 to 6 have appeared and submitted that already the election was conducted on 01.10.2023. So, as on date, the election process was completed. So, as per the report Chief Election Officer of Wakf Tribunal, the learned counsel for 2nd respondent would submit that though the election was conducted, as on date, it was not approved.

5. Considering the facts and circumstances and also considering both side submissions, the fact reveals that already election was conducted. Hence, the relief claimed in this Civil Revision Petition became infructuous. If at all, any grievance over the election process for the Revision Petitioner, he has to work out his remedy as per manner known to law. Furthermore, during the pendency of the proceedings, election was conducted, but the Revision Petitioner approached the court seeking the relief along with other prayers needs speedy disposal. Therefore, this Court is inclined to direct the Wakf Tribunal to dispose the case as early as



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possible. Accordingly, this Civil Revision Petition is disposed of. No costs.

Consequently, connected Civil Miscellaneous Petition is closed.

28.11.2023

Index : Yes/No

Speaking Order : Yes/No

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To

The Tamil Nadu Waqf Tribunal, Chennai.

T.V.THAMILSELVI, J.



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