



W.P. (MD) No. 420 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2023

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. (MD) No. 420 of 2023
and W.M.P. (MD) No. 389 of 2023

Jamal Mohammed

... Petitioner

Vs.

1. Tamil Nadu Waqf Board,
Represented by its Chairman,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.
2. The Superintendent of Waqf,
Thoothukudi District,
Office of the Superintendent of Waqf Campus,
Tirunelveli.
3. The Inspector of Waqf,
Thoothukudi District,
Office of the Superintendent of Waqf Campus,
Tirunelveli.
4. M/s.Majlisul Bukharis Shareeb,
Rep. by its Authorized Person,
Kayalpattinam,
Thoothukudi District-628204.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issue of Writ of Mandamus, directing the 1 to 3 Respondents to frame scheme to the 4th Respondent for election and to conduct an election in a fair and proper manner by considering the petitioner's representation dated 30.12.2022.

For Petitioner	:	Mr. G.Prabhu Rajadurai for Mr. K.Navaneetharaja
For Respondents	:	Mr. D.S.Haroon Rasheed for R1 to R3 Mr. M.Ajmalkhan, Senior Counsel, for M/s. Ajmal Associates for R4

ORDER

Heard Mr.G.Prabhu Rajadurai, Learned Counsel appearing for the Petitioner and Mr. D.S.Haroon Rasheed, Learned Counsel appearing for the First to Third Respondents and Mr. M.Ajmalkhan, Learned Senior Counsel appearing for the Fourth Respondent and perused the materials placed on record apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the First to Third Respondents to frame scheme to the Fourth Respondent for election and to conduct an election in a fair and proper manner by considering the representation dated 30.12.2022 made by the Petitioner in that regard.



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3. Learned Counsel appearing for the First to Third Respondents has produced a copy of the proceedings dated 05.01.2023 sent by the Superintendent of Waqf, Tirunelveli, relating to the conduct of the election to the concerned Waqf.

4. It has been brought to notice by Learned Senior Counsel appearing for the Fourth Respondent that the said representation nowhere refers to any request to frame a scheme. It is also highlighted that in terms of Section 69 of the Wakf Act, 1995, an application would have to be made by not less than five persons or the Waqf Board on its own motion in the prescribed manner to frame a scheme.

5. In such circumstances, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to make fresh representation satisfying the requirements of law and he has made an endorsement to that effect in the court record.



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Consequently, the connected Miscellaneous Petition is closed. No costs.

23.01.2023

Index : Yes/No
Internet : Yes /No
PKN

Note : Issue copy of the order by 30.01.2023



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P.D. AUDIKESAVALU, J.

PKN

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