



W.P. (MD) No. 978 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2023

WEB COPY

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No. 978 of 2023

and

W.M.P. (MD) Nos. 918 and 919 of 2023

M.Samiyan Pillai

... Petitioner

Vs.

1.Tamil Nadu Waqf Board,
Rep., by its Chairman,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.

2.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1., Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.

3.The Executive Officer/The Superintendent of Waqf,
Tirunelveli,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the second respondent vide proceedings in Rc.No.17228/09/B1/TNV dated 03.06.2022 and quash the same as illegal and



W.P. (MD) No. 978 of 2023

consequentially to direct the respondents to conduct election to the petitioner Waqf in accordance with the draft voter list prepared in the year 2018 within the period that may be stipulated by this Court.

For Petitioner : Ms. H.Jasima Yasmin

For Respondents : Mr. N.Mohideen Basha

ORDER

Heard Ms. H.Jasima Yasmin, Learned Counsel appearing for the Petitioner and Mr. N.Mohideen Basha, Learned Counsel for the Respondents and perused the materials placed on record apart from the pleadings of the parties.

2. The Writ Petition challenges the Proceedings in R.C. No. 17228/09/B1/TNV dated 03.06.2022 passed by the Second Respondent taking direct control of the administration of the Uthuman Lebbai Sahib Mosque Trust (hereinafter referred to as 'the Waqf' for short) and for consequential direction for conduct of election to that Waqf in accordance with the draft voters' list said to have been prepared in the year 2018.



3. Learned Counsel for the Petitioner states that the Petitioner does not insist for granting the relief as claimed and would be satisfied if the representation dated 19.12.2022 made by him is expeditiously taken up for consideration by the First Respondent, who has published the schedule for conduct of election to the Waqf, in proceedings in Se.Mu.Order: 17228/09/B1/K.Kumari dated 30.11.2022, and he has made an endorsement to that effect in the Court record.

4. Having due regard to the aforesaid submissions made, this Court without expressing any view on the merits of controversy involved, passes the following order:-

- (i) the concerned authority shall immediately examine the representation dated 19.12.2022 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed therein;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 days for the same;
- (iii) in the event of not being satisfied with the requirements even



WEB COPY



W.P. (MD) No. 978 of 2023

thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;

- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment; and
- (v) the report of such compliance shall be filed by 30.06.2023 before the Registrar (Judicial) of the Court.

In the result, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petitions are closed. No costs.

02.03.2023

Index : Yes/No
NCC : Yes/No
ta

Note : Issue order copy by 26.04.2023.
To

1. The Chairman,
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.



W.P. (MD) No. 978 of 2023

2. The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1., Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.
3. The Executive Officer/The Superintendent of Waqf,
Tirunelveli, Tirunelveli District.



WEB COPY



W.P. (MD) No. 978 of 2023

P.D.AUDIKESAVALU,J.

ta

W.P. (MD) No. 978 of 2023

02.03.2023