



W.P. (MD) No. 3304 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVU

W.P. (MD) No. 3304 of 2023

and

W.M.P. (MD) Nos. 3056 and 3058 of 2023

M.Mohamed Yahya

... Petitioner

Vs.

- 1.The Chairman,
Tamilnadu Wakf Board,
No.1 Jaffar Syrang Street,
Vallal Seedhakathi Nagar,
Chennai – 600 001.
- 2.The Chief Executive Officer,
Tamilnadu Wakf Board,
No.1 Jaffar Syrang Street,
Vallal Seedhakathi Nagar,
Chennai-1.
- 3.The Superintendent of the Wakfs,
Office of the regional Wakf Supervisor,
176/11, 1st Floor Therpasayanam Road,
Vellipattinam,
Ramanthapuram – 623 504.
- 4.M.Mohamed Ayup,
Ex-President,
Periya Pallivasal Jamad,
Virudhunagar District – 626 001.



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5.P.A.Kalil Rahuman,
Secretary,
Periya Pallivasal Jamad,
Virudhunagar District – 626 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, directing the 1st and 2nd Respondents to take appropriate steps by appointing an Election Officer to conduct the general body meeting of Virudhunagar Town Periya Pallivasal Jam-adh and complete the election to the executive body of the said Jama-adh within the time frame stipulated by this Hon'ble Court.

For Petitioner	: Mr. Anantha Padmanaban Senior Counsel for M/s.APN Law Associates
For Respondents	: Mr. N.Mohideen Basha (for R1 to R3) Mr. Mohaboob Athiff (for R4 & R5)

ORDER

Heard Mr. Anantha Padmanaban, Learned Senior Counsel Counsel appearing for the Petitioner, Mr. N.Mohideen Basha, Learned Counsel for the First to Third Respondents and Mr. Mahaboob Athiff, Learned Counsel for the Fourth and Fifth Respondents and perused the materials placed on record, apart from the pleadings of the parties.



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2. The Writ Petition has been filed for directing the First and Second Respondents to appoint an Election Officer to conduct the General Body Meeting of Virudhunagar Town Periya Pallivasal Jama-adh and complete the election to the executive body of the said Jama-adh within a time frame.

3. The claim of the Petitioner is resisted by the First to Third Respondents contending that such relief cannot be granted without framing a scheme for administration of the Waqf under Section 69 of the Waqf Act, 1995. In that backdrop, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition reserving the right of the Petitioner to resort to the aforesaid procedure and he has made an endorsement to that effect in the court record.

In the result, the Writ Petition is dismissed as withdrawn with the aforesaid clarification. Consequently, the connected Miscellaneous Petitions are closed. No costs.

02.03.2023

SJ

Internet : Yes/No

Neutral Citation : Yes/No

Note: Issue copy of the order by 25.05.2023



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P.D.AUDIKEAVALU,J.

SJ

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