



W.P.(MD) No.3347 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.3347 of 2023

and

W.M.P(MD) Nos.3088 and 3089 of 2023

1.M.Bilal Mohamed

2.M.Raja Mohamed

... Petitioners

Vs.

1.The Chief Executive Officer,
Tamil Nadu Wakf Board,
Door No.1, Jafar Sirang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.

2.The Superintendent of Wakf,
Tamil Nadu Wakf Board,
Madurai District,
Madurai.

3.The Inspector of Wakf,
Tamil Nadu Wakf Board,
Madurai.

4.M.M.R.Abdul Kareem
Mohaideen Aandavar Pallivasal,
Melur, Madurai District.



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- 5.M.Liakath Ali
Mohaideen Aandavar Pallivasal,
Melur, Madurai District.
- 6.K.Rabiq Raja
Mohaideen Aandavar Pallivasal,
Melur, Madurai District.
- 7.A.Ajmer Ali,
Mohaideen Aandavar Pallivasal,
Melur, Madurai District.
- 8.A.Jahir Ussain,
Mohaideen Aandavar Pallivasal,
Melur, Madurai District.
- 9.S.Peer,
Mohaideen Aandavar Pallivasal,
Melur, Madurai District.
- 10.N.Mohamed Kaleel,
Mohaideen Aandavar Pallivasal,
Melur, Madurai District.
- 11.M.Chiianthar,
Mohaideen Aandavar Pallivasal,
Melur, Madurai District.
- 12.M.Anibha,
Mohaideen Aandavar Pallivasal,
Melur, Madurai District.

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India,
praying for issuance of Writ of Certiorarified Mandamus, to call for the



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record of the first respondent's impugned order in Chae.Mu.Order: 15957/2000/Aa8/Madurai, dated 02.02.2023 and quash the same as devoid of merits and directing the first respondent to direct the second and third respondents to conduct election for the administration of Mohaideen Aandavar Pallivasal by considering the petitioners' representation dated 01.12.2021

For Petitioner : Mr.A.Haja Mohideen
For R1 to R3 : Mr.G.Chandrasekar
Standing Counsel
For R4 to R11 : No appearance

ORDER

The above writ petition has been filed for issuance of writ of certiorarified mandamus to call for the records of the first respondent impugned proceedings dated 02.02.2023, passed in Chae.Mu.Order: 15957/2000/Aa8/Madurai and quash the same and to direct respondents 2 and 3 to conduct election for the administration of the Mohaideen Aandavar Pallivasal by considering the representations of the petitioner dated 01.12.2021 and 11.02.2023 within the time frame to be fixed by this Court.



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2. It is the contention of the petitioner that the Jamath Mohaideen Aandavar Pallivasal has been formed 300 years ago at Melur, Madurai. This Pallivasal is registered under the Tamil Nadu Waqf board. The Jamath, with the active help and encouragement of the members of the Jamath, had developed and flourished. The members are elected 12 amongst them to administer the Jamath from time immemorial. The last of such election was for the period 2017-2020. After this, on account of the COVID scenario, election could not be held, despite the repeated request of the petitioners to the first respondent. Meanwhile, steps were taken to prepare the by-law and a drafted by-law was made in the year 2011 and this was also placed before the first respondent for his vetting, but there was no response to the same.

3. Meanwhile, the first respondent had nominated an *ad hoc* committee for the period from 30.01.2023 to 29.01.2024 to administer the Pallivasal. There is no transparency with reference to the selection of these persons. This Committee has been nominated without consulting the members. Therefore, the petitioner has rushed to this Court.



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4. Heard the learned counsel on either side.

5. It is submitted that the first respondent has already initiated proceedings for holding an enquiry of interested parties for framing the modalities for conducting the election. In the light of the above, the prayer of the petitioner has been acceded to.

6. In the light of the fact that the petitioner's request has been taken into consideration, no further orders are required to be passed in the above writ petition. Accordingly, this Writ Petition is closed. However, a direction is issued that the entire exercise of conducting election shall be completed within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

14.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
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P.T.ASHA, J.

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