



Cont P(MD)No.354 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.03.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

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S.A.Jahangir Basha

... Petitioner

Vs.

- 1.Mr.A.B.Rafiulla,
The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1 Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.
- 2.Mr.Hyder Ali
The Superintendent of Wakf,
O/o.the Superintendent of Wakf,
Tamil Nadu Wakf Board,
Eeathka Pallivasal near,
V.O.C.Nagar, Railway Colony,
Thanjavur-613 001.
- 3.Mr.Sadiq Batcha,
The Inspector of Wakf,
O/o.the Inspector of Wakf,
Tamil Needy Wakf Board,
Eeathka Pallivasal near,
V.O.C.Nagar, Railway Colony,
Thanjavur- 613 001.

... Respondents



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PRAYER: Contempt petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents under the provisions of Contempt of Court Act for the willful violation and disobedience of the order passed by this Court dated 01.03.2022 made in C.R.P(MD)No.385 of 2022.

For Petitioner : Mr.R.Esakki Raja

For Respondents : Mr.K.K.Senthil

ORDER

The petitioner has filed this contempt petition against the respondents for the alleged violation of order of this Court, dated 01.03.2022 in C.R.P(MD)No.385 of 2022.

2. It appears that the election notice, dated 20.01.2022 was issued whereby, the proposed date of election was announced as 03.02.2022 and the petitioner had also sent a representation stating that the election should be held after preparing the voters list. Further, it appears that the petitioner had also approached this Court, wherein, this Court on 01.03.2022 has passed the following order:-



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“6. The petitioner counsel has stated that in the General Body Meeting there is a proposal for conducting election in proper manner. If any election conducted without following the Rules, the petitioner is with liberty to file a petition against the proceedings.”

3. It is the case of the petitioner that election was held on 03.03.2022 by violating the orders of this Court. It is submitted that neither the representation was considered nor the order of this Court complied with. A reading of Para-6 of the order, dated 01.03.2022 of this Court makes it clear that the order was an ex-parte order. The petitioner has merely stated that there was a proposal to hold election in an improper manner. This Court has held that if the election is conducted without following the rules, the petitioner is at liberty to file petition. Thus, petitioner has been given liberty to file appropriate petition. There is no order restraining the respondent to conduct election. There is no contempt of this Court order. Therefore, the present contempt petition is therefore liable to be dismissed. However, liberty is given to the petitioner to file appropriate application under Section 83 of the Wakf Act, 1995.



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4. The present contempt petition is dismissed with the above observation. The petitioner is at liberty to approach the Wakf Tribunal under Section 89 of the Wakf Act, 1995. No costs.

24.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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C.SARAVANAN,J.

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