



W.P. (MD) No. 3666 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2023

CORAM

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

**W.P. (MD) No. 3666 of 2023
and W.M.P. (MD) Nos.3437 and 3438 of 2023**

A.Ali Akbar

... Petitioner

Vs.

**1. The Superintendent of Waqf/Election Officer,
Tamil Nadu Waqf Board,
No. 159/3, Tarpasayanam Road,
Vellipattinam,
Ramanathapuram District.**

**2. The Nambuthalai Masjid E Taqwa Waqf,
Rep. by its President,
Mr. Shahul Hameed,
Nambuthalai,
Ramanathapuram District.**

... Respondents

Petition filed under Article 226 of the Constitution of India, for issue of Writ of Certiorari, calling for the records relating to the impugned election notification issued by the Respondent in proceedings No. Na.Ka.No. GS283/VK/THEA/RAM/2022 dated 03.02.2022 and quash the same as illegal.



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For Petitioner : Mr. M.Mahaboob Athiff

For Respondent : Mr. N.Mohideen Basha (for R1)

ORDER

Heard Mr. M.Mahaboob Athiff, Learned Counsel for the Petitioner and Mr. N.Mohideen Basha, Learned Standing Counsel for the First Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed challenging the notification in proceedings Na. Ka. No. GS283/VK/THEA/RAM/2022 dated 03.02.2022 issued by the First Respondent for election to the Waqf of the Second Respondent.

3. Learned Counsel for the First Respondent has filed a memo dated 24.02.2023, stating as follows:-

“01. It is humbly submitted that this Writ Petition has been filed for Writ of Certiorari calling for the records relating to the impugned election notification issued by the Respondent in proceedings No. Na.Ka. No. GS283/VK/THEA/RAM/2022 dated 03.02.2022.



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02. *It is further submitted that the election which is scheduled to be held on 26.02.2023 has been postponed for the purpose of revising voters list vide proceedings of 1st respondent in Na.Ka. No. GS283/VK/THEA/RAM/2023 dated 24.02.2023. In view of the above the election process will be re-initiated by issuance of a fresh election notification.*

03. *It is further submitted that the grievance of the Petitioner relating to voters list will be considered and rectified during the Election Process.*

It is therefore prayed that this Hon'ble Court may be pleased to record this memo and pass appropriate orders in the interest of justice.”

In view of the fact that the election, which is scheduled to be held on 26.02.2023 pursuant to the impugned notification, has been postponed for the purpose of revising voters list as sought by the Petitioner, nothing survives for consideration in this Writ Petition. However, if the Petitioner still has any further grievance, he



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is not precluded from working out his remedies before the proper forum in the manner recognized by law.

In the result, the Writ Petition is disposed with the aforesaid observations.

No costs.

24.02.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes /No

sj

Note: Issue order copy by 09.05.2023



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P.D. AUDIKESAVALU, J.

sj

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