



W.P.(MD) No.8531 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.8531 of 2023

and

W.M.P.(MD) Nos.7848 and 7850 of 2023

Abdul Azad

.. Petitioner

Vs.

1.The Chief Executive Officer,
Tamil Nadu Wakf Board,
Teynampet, Chennai.

2.The Superintendent of Wakf,
Office of the Superintendent of Wakf,
Trichy Region, Trichy.

3.The Wakf Inspector,
Office of the Wakf Inspector,
Trichy.

4.Uduman Kani

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the proceedings issued by the second respondent in Na Ka Registration No.286/Trichy/The.Aa/Va.Ka/2023 dated 17.03.2023



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and quash the same and consequently directing the first and second respondents to take over the administration of the Pallivasal under its control so as to ensure free and fair elections in respect to the Mohideen Andavar Jumma Pallivasal situated at Rathinakottai, Aranthangi, Pudukkottai.

For Petitioner : Mr.B.Jameel Arasu
For RR1 to 3 : Mr.K.K.Senthil
Standing Counsel

ORDER

This writ petition is filed for the issue of a Writ of Certiorarified Mandamus calling for the records pertaining to the proceedings issued by the second respondent in Na Ka Registration No. 286/Trichy/The.Aa/Va.Ka/2023 dated 17.03.2023 and quash the same and consequently directing the first and second respondents to take over the administration of the Pallivasal under its control so as to ensure free and fair elections in respect to the Mohideen Andavar Jumma Pallivasal situated at Rathinakottai, Aranthangi, Pudukkottai.



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2. It is the case of the petitioner that he and other executive members of the Mohideen Andavar Pallivasal were duly elected in the elections conducted in the year 2017. The tenure of office is three years from the date of taking over charge. However, on account of the challenge to the election, the petitioner and his team were unable to take over the administration of the said Pallivasal. It appears that since the period had come to an end, the petitioner had submitted a representation to the first respondent to extend their period of office. Since the first respondent has not considered the same, the petitioner had moved a writ petition in W.P.(MD) No.4810 of 2020. By order dated 06.02.2020, this Court was pleased to dispose of the writ petition with a direction to the first respondent to consider the representation on or before 03.04.2020 giving an opportunity to the petitioner to produce any document to substantiate his case. By order dated 27.01.2021, the first respondent was pleased to extend the period from 09.10.2022 to 08.02.2023.



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3. While so, it is the contention of the petitioner that even before the term could come to an end, the fourth respondent and his henchmen trespassed into the Pallivasal premises and claimed that he is the elected person of the Pallivasal. Therefore, the petitioner was constrained to file a writ petition before this Court in W.P.(MD) No.16889 of 2022 seeking a direction to respondents 1 and 2 to take appropriate action against the fourth respondent. Meanwhile, the period of office was also due to expire. It appears that at this juncture, the impugned notification has been issued by the second respondent on 17.03.2023, putting the members on notice that the process of electing the new committee has been set in motion for which a draft voters list has been published inviting members above the age of 18 years to submit their application for including them as voters. The said application was to be submitted by 16.04.2023. This notification is sought to be quashed by the petitioner on the ground that the fourth respondent, who has illegally occupied the administration of the Pallivasal, would be influencing the election. Except for this reason, the petitioner has not put forward any other contention.



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4. Learned counsel for the petitioner would make his submissions on these lines that the Pallivasal has been hijacked by the fourth respondent and his henchmen would try their level best to conduct election.

5. Learned Standing Counsel for the Waqf Board, on the other hand, would bring to the notice of this Court the order passed by the first respondent on 09.12.2020 on the basis of the petition submitted by the fourth respondent challenging the administrative committee consisting of the petitioner and others. In the order, the first respondent had also captured the fact that the fourth respondent had set up a parallel committee which is unlawful. With these observations, the first respondent had ordered for the conduct of a fresh election and elect a new Managing Committee to streamline the administration of the institution and the process was to be completed within a period of two months. On these lines, the petition filed by the fourth respondent has been disposed of. It is pursuant to this order of the first respondent that the second respondent had issued the impugned notification.



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6. The petitioner cannot be said to be aggrieved by the said order, since his term of office has come to an end. His apprehension that the fourth respondent would take over the election process is allayed by the fact that the first respondent has observed that the Committee constituted by the fourth respondent is a parallel committee and not a committee which has been elected and that apart, instructions have been given to the second respondent to conduct the elections. Therefore, the challenge to the impugned notification is totally misconceived. This Writ Petition is, therefore, dismissed. It is needless to state that once the voters list is displayed and there are any objections to the same, it is open to the parties to submit their objections to the second respondent, who is conducting the elections. On receipt of the same, the second respondent shall consider the same and pass orders accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

17.04.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

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P.T.ASHA, J.

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