



W.P.(MD).No.17292 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 26.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.17292 of 2023

and

W.M.P.(MD).Nos.14477 and 14478 of 2023

M.Abdul Kadar

... Petitioner

Vs.

1.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Valal Seethakathi Nagar,
Chennai – 1.

2.The Superintendent of Wakf,
Tamil Nadu Wakf Board,
No.1, Town Hall Road Mosque,
Madurai – 1.

3.The Inspector of Wakf,
No.1, Town Hall Road Mosque,
Madurai – 1.

4.A.Abdul Raheem Sait,
The Secretary,
Madurai Sivakasi Shafi Muslim Jamath Jumma Pallivasal Waqf and
Sivakasi Jamath Khabristhan Pallivasal Waqf,
108, South Maret Street,
Madurai – 01.



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5. Yusuff Jackaria,
Vice President,
Madurai Sivakasi Shafi Muslim Jamath Jumma Pallivasal Waqf and
Sivakasi Jamath Khabristhan Pallivasal Waqf,
16-20, Senthil Andavar Street,
1st east cross Street, Villapuram.

6. Shahul Hameed,
Joint Secretary,
Madurai Sivakasi Shafi Muslim Jamath Jumma Pallivasal Waqf and
Sivakasi Jamath Khabristhan Pallivasal Waqf,
17, 1st Floor, South Veli Street, Madurai – 01.

7. A. Sikkandar,
Joint Secretary II,
Madurai Sivakasi Shafi Muslim Jamath Jumma Pallivasal Waqf and
Sivakasi Jamath Khabristhan Pallivasal Waqf,
5/9A, Kaziar Thopu, 2nd Street,
South Veli Street, Madurai – 01.

8. Shahjahan,
Joint Secretary II,
Madurai Sivakasi Shafi Muslim Jamath Jumma Pallivasal Waqf and
Sivakasi Jamath Khabristhan Pallivasal Waqf,
17, Kaziar Thopu, 2nd Street,
South Veli Street, Madurai – 01.

9. S. Saleem,
Vice President II,
Madurai Sivakasi Shafi Muslim Jamath Jumma Pallivasal Waqf and
Sivakasi Jamath Khabristhan Pallivasal Waqf,
201, South Veli Street, Madurai – 01.

10. A. Mohamed Noor Deen,
Vice President III,
Madurai Sivakasi Shafi Muslim Jamath Jumma Pallivasal Waqf and
Sivakasi Jamath Khabristhan Pallivasal Waqf,
12, Ramalinga Nagar, 3rd Street, Vasantha Nagar,
Palanganatham, Madurai – 03.

... Respondents



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(R-4 to R-10 are impleaded vide Court Order dated 08.09.2023 in W.M.P.(MD).No.15080 of 2023 in W.P.(MD).No.17292 of 2023)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the orders passed in ந.க.எண்.ஜி.எஸ் 111 & 410 / வ.ஆ. / மதுரை / 2023 dated 05.07.2023 passed by the third respondent and quash the same and further direct the third respondent to prepare separate voters list for Madurai Sivakasi Shafi Muslim Jamath Jumma Pallivasal by excluding Sivakasi Jamath Kabarzthan Palli Wakf and to conduct election.

For Petitioner : Mr.T.S.Mohamed Mohideen

For R-1 to R-3 : Mr.D.S.Haroon Rasheed,
Standing Counsel.

For R-4 to R-10 : Mr.M.Mahaboob Athiff

ORDER

This Writ Petition is filed to quash the impugned order dated 05.07.2023 with a consequential relief to prepare separate voters list for Madurai Sivakasi Shafi Muslim Jamath Jumma Pallivasal by excluding Sivakasi Jamath Kabarzthan Palli Wakf and to conduct election.

2. Through the impugned notice, the Wakf Board had stated that the selection process was not completed in the General Body Meeting which was



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conducted on 12.02.2023 and hence the Wakf Board had called for another meeting on 23.07.2023 to select new management.

3. After hearing the petitioner as well as the contesting respondents, this Court is of the considered opinion that the existing management ought to conduct General Body Meeting to select the new management. The Wakf Board has not role in it and the Wakf Board is not having any jurisdiction to issue such notice and hence the impugned notice cannot sustain in the eye of law. Therefore, this Court is inclined to quash the impugned order, accordingly the impugned order is quashed.

4. However, as far as consequential relief for preparing separate voters list for said two Pallivasal is concerned, the petitioner has already filed a petition before the Tribunal to separate these two wakfs. As far as consequential relief is concerned, the petitioner is at liberty to seek appropriate remedy before the Tribunal.

5. It is seen, already the concern wakf had already conducted a meeting and selected new management which ought to be recorded by the Wakf Board. Infact one Abdul Rahim Sait had filed a writ petition in W.P.(MD)No.23481 of 2023 for writ of Mandamu,s to direct the Wakf Board to consider the statutory



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application dated 12.08.2023 and to record the selection of new management and this Court directed the respondents to consider the said statutory application after hearing all parties and pass orders, thereby had allowed the said writ petition.

6. Therefore it is made clear that until the Tribunal consider the issue and pass order for separating the said two wakfs, the new management shall continue to manage the wakf.

7. In view of the above, this Writ Petition is partly allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

26.09.2023

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



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S.SRIMATHY, J.

Nsr

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