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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.20146 of 2023
and
W.M.P.(MD)No.16612 of 2023

1.S.Abdul Nasar

2.M.Samsudeen

... Petitioners

vs.

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

2.The Election Officer Cum Superintendent,
Office of Wakf Superintendent,
No.176/1, 1st Floor, Therpasayanam Road,
Velipattinam Road,
Ramanathapuram-623 504.

3. Aruppukottai Nallur Mohaideen
Andavar Pallivasal,
Aruppukottai,
Virudhunagar District,
Rep. through its Muthavalli.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents No. 1 and 2 to redraft and include in the petitioner's name in the Voter's List pertaining to the election to the Office Bearers of the Managing Committee to the Administration of Aruppukottai Nallur Mohaideen Andavar Pallivasal Jamath (G.S.9/RMD) situated at Aruppukottai, Virudhunagar District on the basis of their Application dated 21.06.2023 and for other reliefs.

For Petitioner : Mr.J.Lawrance

For R-1 & R-2 : Mr.A.Ajmal Khan

Standing Counsel

ORDER

This writ petition has been filed to direct the respondent Nos.1 and 2 to redraft and include the petitioners' name in the voter list, on basis of the petitioner's application, dated 21.06.2023.

2. The election notification was issued on 23.06.2023 and the same was challenged in W.P.No.14829 of 2023 before the Principal Bench and the Court has granted an interim stay.



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3. In the present writ petition the contention of the petitioners are that the respondents had issued notification calling for inclusion deletion of names in the voter list. The petitioners had submitted an application on 21.06.2023 to include his name in the voter list. The time granted in the said notification is three days and the petitioner had submitted application within the said three days. But the respondents without processing the petitioners' application, had issued the Election Notification, which is being stayed in the Principal Bench of this Court.

4. By taking the aforesaid facts into consideration, the respondents are directed to reconsider the petitioners' application to include their name in the voters list and pass orders, within a period of two weeks, from the date of receipt of a copy of this order. If the respondents are passing any negative order against the petitioners, then the respondents shall state the reasons. In short, the respondents shall pass a speaking order and the petitioners are at liberty to challenge the same.



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5. With these observations and directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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

18.08.2023

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S.SRIMATHY, J

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