



W.P.(MD).No.20625 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P.(MD).No.20625 of 2023
and
W.M.P.(MD).No.17044 of 2023**

A.R.Mohamed Rafee

... Petitioner

Vs.

- 1.The Chairman,
O/o. The Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakkathi Nagar,
Chennai.
- 2.The Superintendent of Wakfs,
O/o. The Superintendent of Wakfs,
No.1, Town Hall Road Mosque,
Town Hall Road,
Madurai.
- 3.Syed Jaffar
- 4.K.Mubarak Basha
- 5.I.Salahudeen

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the respondents 1



W.P.(MD).No.20625 of 2023

and 2 to restrain the election of the Sulthan Nagar Muslim Jamaath Hiyathul Islam Sangam Jubetha Pallivasal (Wakf Board Reg.No.NS54/MDU) on 25.08.2023, by considering the petitioner's representation dated 14.08.2023.

For Petitioner : Mr.S.Mohamed Ali Jinnah

For R-1 and R-2 : Mr.D.S.Haroon Rasheed,
Standing Counsel.

ORDER

This Writ Petition is filed for Mandamus, directing the respondents 1 and 2 to restrain the election of the Sulthan Nagar Muslim Jamaath Hiyathul Islam Sangam Jubetha Pallivasal (Wakf Board Reg.No.NS54/MDU) on 25.08.2023, by considering the petitioner's representation dated 14.08.2023.

2. The contention of the petitioner is that the incumbent management is secretly convening a meeting in order to form another management, since the present management term is over.

3. The learned Standing Counsel appearing for the respondents 1 and 2 submitted that as per the proforma, the rule of succession to the office is by way



W.P.(MD).No.20625 of 2023

of selection by Jamath of Sulthan Nagar and not by any election.
WEB COPY

4. The learned counsel appearing for the petitioner submitted that the “selection” would mean “election”. But such contention cannot be entertained, when the proforma states it is selection, then the same ought to be strictly by selection only. However, there should be some transparency when the selection is conducted. The petitioner is apprehending that the incumbent management would not conduct the selection in a transparent manner. Therefore, this Court directs the second respondent to ensure the transparency in the selection process.

5. It is submitted that the meeting is scheduled for tomorrow i.e. 25.08.2023. The Learned Counsel appearing for the petitioner submitted that since the time is too short, the willing persons may not be able to submit the applications by tomorrow. Therefore, it is directed that the respondents shall make an announcement on 25.08.2023.

i. That new members would be included based on production of proper identity card.

ii. That the persons willing to be selected as management committee



W.P.(MD).No.20625 of 2023

members for managing the wakf shall submit applications within prescribed time limit.

iii. Any other conditions necessary for selection process

6. After receipt of the applications, the respondents shall conduct the selection process on 01.09.2023. It is made clear that the respondents shall not conduct the selection process tomorrow i.e. 25.08.2023, but shall collect the applications for inclusion of new members and shall collect the applications for selection process.

7. In view of the above, this Writ Petition is disposed of in above terms. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

24.08.2023

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

Note: Issue Order Copy on 24.08.2023.



W.P.(MD).No.20625 of 2023

To

WEB COPY

1. The Chairman,
O/o. The Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakkathi Nagar,
Chennai.
2. The Superintendent of Wakfs,
O/o. The Superintendent of Wakfs,
No.1, Town Hall Road Mosque,
Town Hall Road,
Madurai.



WEB COPY



W.P.(MD).No.20625 of 2023

S.SRIMATHY, J.

Nsr

W.P.(MD).No.20625 of 2023

24.08.2023