



W.P.(MD).No.21867 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.21867 of 2023

AL.R.Zakeer Hussain

... Petitioner

Vs.

1.The Principal Secretary,
Tamil Nadu Wakf Board,
Mannadi, Chennai.

2.The Superintendent,
Wakf Board,
Trichy.

... 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 to postpone the election for the office-bearers of Rawtharmar Periya Pallivasal Wakf, situated at Near Big Bazaar, Inam Kulathur, Srirangam Taluk, Trichy District till the completion of the enquiry on the complaints of the petitioner within the time stipulated by this Court.

For Petitioner : Mr.S.Louis

For Respondents : Mr.D.S.Haroon Rasheed,
Standing Counsel.



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ORDER

This Writ Petition is filed for Mandamus, directing the respondents to postpone the election for the office-bearers of Rawtharmar Periya Pallivasal Wakf, situated at Near Big Bazaar, Inam Kulathur, Srirangam Taluk, Trichy District till the completion of the enquiry on the complaints of the petitioner.

2. The contention of the petitioner is that he has submitted several representations to the second respondent alleging that the present Management is mismanaging the Waqf and has misappropriated the Waqf property. The said representation was submitted right from 2018 onwards and the first complaint was preferred on 26.02.2018. Without conducting any enquiry, the respondents are allowing the present management to conduct election and the same Management is conducting election and the same Management is holding the post and they are not allowing others to participate in the election.

3. This Court is not accepting the contention of the petitioner, since the election itself is a democratic process. The petitioner is at liberty to participate in the election, if he so wishes. The election and complaint are two different aspects. Therefore, under the guise of allegation and complaint, the petitioner cannot stop the democratic process of election.



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4. Therefore this Court is of the considered opinion that the election shall go on. The petitioner is at liberty to participate in the election. The respondents shall consider the petitioner's complaint dated 22.07.2023 and conduct an enquiry, after issuing notice and after granting personal hearing to the petitioner and the persons mentioned in the complaint. If the petitioner willing to participate in the election, he shall submit an application today itself.

5. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

08.09.2023

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

Note: Issue Order Copy on 11.09.2023.

To

1.The Principal Secretary,
Tamil Nadu Wakf Board,
Mannadi, Chennai.

2.The Superintendent,
Wakf Board,
Trichy.



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S.SRIMATHY, J.

Nsr

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