



W.A.(MD).No.1163 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 18.12.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI**

W.A.(MD).No.1163 of 2023
and C.M.P.(MD) No.8878 of 2023

1. A.M.Nazeer Mohamed

2.N.M.Abdul Kareem

.. Appellants/Respondents 4 & 5

Vs.

1.Al Masjid Thaqwa Sunnath Wal

Jamath (Hanafi) Mosque Wakf,

Rep. by its Vice President Mr.V.P.Mohamed Sherif,

S/o.Mr.V.K.Pakkir Mohamed,

Keelatheru, Rajagiri,

Thanjavur – 614 207.

...1st Respondent/Writ Petitioner

2.N.M.Haleelur Rahman

3. The Tamil Nadu Wakf Board,

Rep. by its Chief Executive Officer,

No.1, Jaffer Syrang Street,

Vallal Seethakathi Nagar,

Chennai – 600 001.



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4. The Tamil Nadu Wakf Board,
Rep. by its Superintendent,
Thanjavur District.

.. Respondents 1 to 3/Respondents
3, 1 & 2

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 12.07.2022 in Rev. Aplw (MD) No.1 of 2021 in W.P.(MD) No.11120 of 2020 on the file of this Court.

For Appellants : Mr.B.Jameel Arasu

For Respondents : Mr.A.Raja Mohamed for R1

Mr.S.Vinayak for R2

Mr.N.Mohideen Basha
Standing Counsel for R3 & R4

JUDGMENT

(Judgment of the Court was delivered by S.M.SUBRAMANIAM,J.)

Against the order dated 12.07.2022, appointing an Advocate Commissioner to conclude the entire election process within a period of one month, the present Writ Appeal proceedings has been instituted.

2. Learned Standing Counsel for the Waqf Board made a submission that the Office Bearers of the Waqf were elected on 08.08.2020 and the term



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of three years expired on 08.08.2023, thereafter, the Waqf Board has to conduct the election by following the procedure contemplated.

3. It is not in dispute between the parties that the term of three years has expired. Appointing an Advocate Commissioner to conduct election in a religious institution when the power has been conferred on the Waqf Board under the Waqf Act may not be necessary. Such appointment may lead to an anomalous situation and the High Court only on certain extra-ordinary circumstances interfere and in all other cases the Waqf Board must be allowed to conduct election by following the procedures. The statutory body and its powers conferred under the Act is always to be followed. In the present case, the appointment of an Advocate Commissioner to conduct election became unnecessary, since the Waqf Board is ready and willing to conduct election in an impartial manner by following the procedures.

4. In view of the facts and circumstances, the order dated 12.07.2022, passed in Rev. Aplw (MD) No.1 of 2021 in W.P.(MD) No.11120 of 2020 is set aside and the Writ Appeal is allowed. The Tamil Nadu Waqf Board is



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directed to conduct the election in a fair manner by following the proceedings as contemplated and complete the election process within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (L.V.G.,J.)
18.12.2023

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



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S.M.SUBRAMANIAM,J.
and
L.VICTORIA GOWRI,J.

SJ

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