



W.P(MD)No.30232 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.30232 of 2023

Mohamed Hanifa

Petitioner

Vs

- 1.The Tamil Nadu Waqf Board,
Rep by its the Chief Executive Officer,
No.1, Jaffer Syrang Street,
Valla Seethakathi Nagar,
Chennai 600 001.
- 2.The Waqf Superintendent,
Tirunelveli Zone,
Tirunelveli District.
3. Arampannai Mohideen Pallivasal Waqf,
Rep by its President,
Arampannai,
Sri Vaikundam Taluk,
Thoothukudi District.
4. A.Abdul Gani,
Secretary,
Arampannai Mohideen Pallivasal Waqf,
Arampannai,
Sri Vaikundam Taluk,
Thoothukudi District.

Respondents



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PRAAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st respondent to instruct the 2nd respondent to participate in the general body election as an observer to elect/select office bearers to the Arampannai Mohideen Pallivasal Waqf as per the rule of succession to the office of muthawalliship as mandated in proforma which is notified as G.S.No.299/TNV which is scheduled on 22.12.2023 as fixed by the jamathars by considering the representation made by the petitioner on 29.11.2023 or on any other dated as fixed by the 2nd respondent within a time stipulated by this Court.

For Petitioners	: Mr.S.Anandhakumar
For R1 to R3	: Mr.S.A.Ajmal Khan Standing Counsel
For R4	: Mr.K.Navaneetha Raja

ORDER

The petitioner claims that he is a member of the Arampannai Mohideen Pallivasal Waqf/ the third respondent herein. The administration of this Jamath was only by way of an 'election by Jamath'. The grievance of the petitioner is that the election for the Jamath was conducted in the year 2010 and thereafter no election was conducted. The petitioner has repeatedly made several



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representations for conducting the election and has filed this writ petition for a Mandamus, directing the first respondent Waqf Board to instruct the second respondent to participate in the general body election as an observer to elect/select office bearers to the Arampannai Mohideen Pallivasal Waqf, as per the rule of succession to the office of muthawalliship as mandated in proforma, which is notified as G.S.No.299/TNV, which is scheduled on 22.12.2023.

2. According to the learned counsel for the petitioner, the election for the above Jamath was conducted in the year 2010 and the period of succession is only for three years. After 2013, the office bearers, who were elected in the year 2010 themselves declared to be the elected body and continued as office bearers till 2016. According to the petitioner, all the office bearers have died in the year 2020 and 2021. Thereafter, the fourth respondent has declared himself to be the Muthavalli of the Jamath and he has not administered the Jamath properly. The first respondent Waqf Board has appointed an Adhoc committee to manage the affairs of the



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Jamath and the period of committee was over on 22.11.2023. Now, the Jamathars themselves has passed a resolution to conduct an election on 22.12.2023. Since the Jamathars apprehend law and order problem from the fourth respondent, the petitioner has approached this Court for supervision by the second respondent during the general body election, which is scheduled to be conducted on 22.12.2023.

3.Mr.S.A.Ajmal Khan, learned Standing Counsel takes notice for the respondents 1 & 2 and submits that as on date, there is no elected body for the third respondent waqf. The first respondent has already appointed an Adhoc Committee for the purpose of administration of the third respondent Waqf on 13.11.2022 for a period of one year and the period of Adhoc Committee itself is over on 22.11.2023. The learned standing counsel further submits that there is a dispute between the petitioner group and the fourth respondent group. The fourth respondent disputed that the petitioner is not a member of the Waqf. However, the petitioner's group have



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declared themselves and passed a resolution to conduct an election on 22.12.2023. In such circumstances, the Waqf Board is willing to conduct an election, provided, if a direction is issued by this Court.

4.The learned counsel appearing for the fourth respondent submits that the petitioner is not a member of the above Jamath. He along with 35 others have created a record as they are members of the Jamath and passed a resolution to conduct an election on 22.12.2023. However, the election has not been notified so far.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.It appears that Arampannai Mohideen Pallivasal Waqf, Sri Vaikundam Taluk, Thoothukudi District is administered by the office bearers, who were elected by way of an election. The petitioner claims that there was an election in the year 2010 and



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thereafter no election has been conducted. It appears that an Adhoc Committee was appointed by the first respondent Waqf Board to administer the affairs of the Jamath and the period of Adhoc Committee is also over by 22.11.2023. The Adhoc committee has not made any arrangements to conduct the election for the Jamath. The fourth respondent is the Secretary of the Adhoc Committee. He disputed the trusteeship of the petitioner and 35 others. The petitioner along with 35 others have passed a resolution to conduct the election on 22.12.2023. The first respondent Waqf Board has also apprehended law and order problem in view of the dispute between the petitioner group and the fourth respondent group.

7.In view of the above, this writ petition is disposed of with the following directions:-

- i. The Waqf Board shall conduct an election for Arampannai Mohideen Pallivasal Waqf, Sri Vaikundam Taluk, Thoothukudi District/ the third respondent herein within a period of twelve weeks from the date of receipt of a copy of



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this order.

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- ii. The respondents 1 & 2 shall finalise the voter list of the Jamath within a period of four weeks and the same shall be published in the notice board. The respondents 1 & 2 shall issue a notification and ensure that the election is conducted in a free, fair and proper manner. In the event, if the first respondent apprehends any law and order problem, necessary police protection shall be obtained from the concerned police. No costs.

19.12.2023

NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.
vrn



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To
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- 1.The Chief Executive Officer,
Tamil Nadu Waqf Board,
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Valla Seethakathi Nagar,
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- 2.The Waqf Superintendent,
Tirunelveli Zone,
Tirunelveli District.



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B.PUGALENDHI, J.

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19.12.2023