



WEB COPY



W.P.No.1916 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.1916 of 2024 and
W.M.P.Nos.2017 & 2018 of 2024

- 1.K.Mohammed Asen
- 2.Abdul Rehman
- 3.Shaffiq Ahmed
- 4.Abu Backer Nowshath Ali
- 5.Salmaan.A

... Petitioners

Vs.

- 1.The Tamil Nadu Waqf Board,
Rep by its Chief Executive Officer,
No.1, Jaffar Sarang St., Vallal Seethakathi Nagar,
George Town, Chennai - 600 001.
- 2.The Syed Sathik Mosque & Dargah Waqf
Rep by its President and Muttavalli,
Kunrathur Main Road,
Mangadu Village, Chennai - 600 022.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent Board to frame a scheme under Section 69 of the Waqf Act, 1995 for the second respondent Waqf by considering the petitioners' application dated 14.03.2023.



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For Petitioners : Mr.K.S.Elangovan for
Mr.K.Mohammed Hussain

For Respondents : Mr.K.Santhoshkumar for
Mr.Avinash Wadhwani

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to direct the first respondent Board to frame a scheme under Section 69 of the Waqf Act, 1995 for the second respondent Waqf by considering the petitioners' application dated 14.03.2023.

2. Heard Mr.K.S.Elangovan, learned counsel for the petitioners and Mr.K.Santhoshkumar, learned counsel for the respondents.

3. The petitioners are said to have filed an application for framing a scheme under Section 69 of the Waqf Act, 1995, before the first respondent Board before conducting the election, but so far, it has not been considered. Earlier a Writ Petition has been filed by one S.Ajaz in W.P.No.20528 of 2022 and in which a direction has been given against the second respondent to conduct the election of the Waqf within a period of six months from the date of receipt of a copy of that order after



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preparing the electoral rules in accordance with the bye-laws.

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4. When the Court itself has passed an order, it is upto the respondents in that Writ Petition to abide the orders of the Court in accordance with the bye-laws and rules. The petitioners cannot confuse the provision for framing the scheme before the electoral rules was prepared and the election was conducted. Since the representation of the petitioners is quite contrary to the direction already given by the Court, it is not possible for the respondents to take up for enquiry and pass any orders as such.

5. With the above observations, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

31.01.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk



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R.N.MANJULA, J.

gsk

To

1. The Chief Executive Officer,
The Tamil Nadu Waqf Board,
No.1, Jaffar Sarang St., Vallal Seethakathi Nagar,
George Town, Chennai - 600 001.
2. The President and Muttavalli,
The Syed Sathik Mosque & Dargah Waqf
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