



WEB COPY



W.P.No.5525 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.5525 of 2021

and

W.M.P.No.6145 of 2021

T.R.Ayupkhan

.... Petitioner

Vs

1. The Chairman,
Tamilnadu Wakf Board,
No.1, Jaffer Syrong Street,
Vallal Seethakathi Nagar,
Behind Custom House,
Chennai – 600 001.

2. The Chief Executive Officer,
Tamilnadu Wakf Board,
No.1, Santhome High Road,
Chennai.

3. The Wakf Inspector,
Tamilnadu Wakf Board,
No.8, Bahadur Shaw Masque Complex,
Arani Road,
Sainathapuram,
Vellore.

4. The Kottai Masjid and Eedka Wakf,
Represented by Mutawalli,
Tirupattur Town,
Tirupattur District.

5. K.A.Anwar Basha

.... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the

<https://www.mhc.tn.gov.in/judis>



issuance of Writ of Mandamus, directing the respondents 1 to 3 to draw the electoral panel from the aforesaid territorial limits and to conduct election for the administrative committee for the 4th respondent Wakf as per the directions issued in Lr.No.7287/07/A7/W dated 29.05.2015 on the file of the first respondent.

For Petitioner : Mr.R.Rajarajan
For R1 to R3 : Mr.G.Mohammed Aseef
For R4 : Mr.I.Kowser Nissar

ORDER

This Writ Petition has been filed for a direction directing the respondents 1 to 3 to draw the electoral panel from the territorial limits and to conduct election for the Administrative Committee for the fourth respondent Wakf.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The learned counsel appearing for the respondents 1 to 3 submitted that the respondents 1 to 3 has no power to conduct election. In support of his contention, he relied upon the Judgement of this Court in ***W.P.No.15076 of 2023***, in the case of ***K.V.M.Mohammed Salahuddin Vs. The Chairman of Tamil Nadu Wakf Board***, in which, this Court held that the



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General Body is supreme, the Wakf Board is merely required to exercise the power under the Act and has the power of superintendence only. Thereafter, it was for the Wakf Board to merely recognise the elected body. It is not open for the Wakf Board to meddle with the internal affairs of the Wakf as they are to be sorted out by the Wakf itself. Therefore, the fourth respondent has power to conduct election as per customary usage.

4. In view of the above, the fourth respondent is directed to conduct the election within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition stands disposed of. Consequently, connected miscellaneous petition is closed. No costs.

07.06.2024

Internet : Yes
Index : Yes/No
Neutral Citation : Yes/No
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G.K.ILANTHIRAIYAN, J.

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