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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.08.2024

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.23848 of 2024

Haji. Nada Anvar Sadath
Managing Trustee,
Haiyankudi Nesavupattadai
Thozhugai Medai Pallivasal Waqf,
No.115, Kamarajar Road,
Ilayankudi, Sivagangai District.

... Petitioner

Vs.

1. The Tamil Nadu Waqf Board,
Rep. By its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-1.

2. The Election Officer/Superintendent of Waqf,
Ramanathpuram Zone,
Having Office at No.176/11, First Floor,
Therpasayanam Road,
Vellipattinam, Ramanathapuram.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the first and second respondents to conduct election for the Nesavupattadai Thozhugai



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Medai Pallivasal Waqf as per custom and usage by finalising the electoral role as per election notification No.2 dated 06.11.2023 within the time that may be stipulated by this Court.

For Petitioner : Mr.A.Ajimath Begum

For Respondents : Mr.Mohamed Fayaz, AGP R1

Mr.Gavaskar

Proposed respondent

ORDER

This Writ Petition has been filed seeking a direction to the first and second respondents to conduct election for the Nesavupattadai Thozhugai Medai Pallivasal Waqf as per custom and usage by finalizing the electoral role as per election notification No.2 dated 06.11.2023 within the time that may be stipulated by this Court.

2. The case of the petitioner is that the Ilayankudi Nesavupattadai Thozhugai Pallivasal Waqf (hereinafter referred to as the waqf) is a public Wakf is under supervisory of the Tamil Nadu Waqf Board. For conducting election for the waqf, the first respondent issued notification dated 06.11.2023. However, till date, the election was not conducted. Thereby, the petitioner has filed the present writ petition before this Court.



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3. The learned counsel for the petitioner submitted that the similar issue has already been decided by this Court vide order dated 11.07.2024 in WP. MD. No.15346 of 2024, in which, the wakf has added as 4th respondent. In the said writ petition, this Court was disposed the same, held that in case the petitioner files for the scheme under Section 69 of the Waqf Act, 1995 the Waqf Board shall consider and approve the same after due process of law and after due notice to all concerned persons. Till date, the said is not implemented and this Court may direct the respondents to implement the said order.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. Considering the facts and circumstances of the case, this Court directs the first respondent to implement the election notification dated 06.11.2023 in terms of the order dated 11.07.2024 in W.P.MD.No.15346 of 2024 within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.



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To

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M.DHANDAPANI,J.

Rli

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