



W.P.(MD)No.439 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.439 of 2024
and W.M.P.(MD)Nos.476 and 479 of 2024

I.Jaheer Hussain

... Petitioner

versus

1. The Chief Executive Officer,
Tamil Nadu Wakq Board,
No.1, Jafer Sirang Road,
Vallal Seethakathi Nagar,
George Town, Chennai – 600 001.
2. The District Collector,
Madurai District.
3. The Commissioner of Police,
Madurai City.
4. The Superintendent of Wakq,
Town Hall Road,
Mosque upstairs,
Madurai – 625 001.
5. The Inspector of Wakq,
Town Hall Road,
Mosque upstairs,
Madurai – 625 001.



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6. Haji A. Shaul Hameed,
President,
Hasanathul Jaria Jumma Mosque,
Anna Nagar,
Madurai – 625 020.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the 1st, 4th and 5th respondents to conduct the election for all the posts in just free and fair manner as stipulated in the bye-laws of the mosque as per the petitioner's representation dated 04.01.2024 to the respondents 1 to 5.

For Petitioner	: Mr.M.Sheik Abdullah
For R1, R4 and R5	: Mr.N.Mohideen Basha, Standing Counsel
For R2	: Mr.G.V.Vairam Santhosh, Additional Government Pleader
For R3	: Mr.Vaikkam Karunanidhi, Government Advocate (Crl. Side)

ORDER

The petitioner, with a grievance that the respondents 1, 4 and 5 are attempting to conduct general body on 10.01.2024, without any proper intimation to its members, has approached this Court for a Mandamus, directing the respondents 1, 4 and 5 to conduct election in



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the Hasanathul Jaria Jumma Mosque in a free and fair manner, as per the bye-laws of the mosque, based on his representation dated 04.01.2024.

2. The learned counsel appearing for the petitioner, by relying on Clause 22 of the bye-laws, submits that the convening of general body has to be intimated to its members one month in advance, however, it has been intimated only on 02.01.2024. Therefore, according to the petitioner, without a prior notice as per the bye-laws, the respondents 1, 4 and 5 are attempting to conduct an election for the Hasanathul Jaria Jumma Mosque.

3. Mr.N.Mohideen Basha, learned Standing Counsel, who takes notice for the respondents 1, 4 and 5, submits that the date of general body is fixed on 10.01.2024. This has been intimated in the notice board on 22.12.2023, 29.12.2023 and 05.01.2024, apart from the notice affixed in the notice board on 02.01.2024. The learned Standing



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Counsel further submits that the 5th respondent, namely, the Inspector of Wakq, Madurai, has advised the 6th respondent/the President of Hasanathul Jaria Jumma Mosque, Anna Nagar, Madurai, to postpone the election to some other date. They have also agreed for the same and the election would be conducted on 02.02.2024 in the aforesaid mosque. The learned Standing Counsel also admits that either the Superintendent of Wakq or the Inspector of Wakq will be present on the date of election at the mosque, to ensure that the election is conducted in a free, fair and proper manner.

4. Recording the said submission, this writ petition is closed. No costs. Consequently, connected miscellaneous petitions are closed.

09.01.2024

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.



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B.PUGALENDHI, J.

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