



W.P.(MD).No.1782 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2024

CORAM

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.(MD).No.1782 of 2023

and

W.M.P.(MD).Nos.1582 and 1583 of 2023

R.Mohamed Ismail

... Petitioner

Vs.

1.The Chief Executive Officer,
The Tamil Nadu Waqf Board,
No.1, Jafer Syrang Street,
Vallal Seethakathi Nagar,
Chennai.

2.The Superintendent of Waqf,
Tamil Nadu Waqf Board,
No.176/11, Tarpasayanam Road,
Vellipattinam,
Ramanathapuram District.

3.The Shafi Madhab Pallivasal Wakf,
Represented by its President,
2/432, F3, Saratha Nagar,
Mydeen Colony, Sivakasi-626123.

...Respondents

(R3 is impleaded vide Court Order Dated 03.02.2023 in W.M.P.(MD).No.1965 of 2023 in W.P.(MD).No.1782 of 2023)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating



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to the impugned election notification no.3 dated 10.01.2023 and the consequential impugned proceedings of the 2nd respondent in Na.Ka.No.GS 199/VK/THE.A/Rama/2023 dated 18.01.2023 and quash the same as illegal.

For Petitioner	: Mr.M.Mahaboob Athiff
For R-1 & R-2	: Mr.D.S.Haroon Rasheed
For R-3	: Mr.Shabzim Shagar

ORDER

The present Writ Petition is filed challenging the impugned election notification No.3 dated 10.01.2023 and the consequential proceedings of the second respondent dated 18.01.2023, whereby, elections were scheduled to be conducted for Shafi Madhab Periya Pallivasal Waqf by the Waqf Board and the period of finalisation of voters list was extended.

2. It is submitted by the learned counsel for the petitioner that the impugned proceedings are contrary to the decision of this Court in the case of ***Mohammed Yusuf Vs. The Tamil Nadu Waqf Board, Represented by its Chief Executive Officer, No.1, Jaffer Syrang Street, Vallal Seethakathi Nagar, Chennai and another*** reported in ***2023 (2) LW 258***, inasmuch as the Waqf Board may not have the jurisdiction to conduct the elections. The said decision has been consistently followed by this Court in the following judgments:



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- i) *Shajahan Vs. The Tamil Nadu Waqf Board and others – W.P. (MD).No.20031 of 2023 dated 31.08.2023,*
- ii) *A.Mohammad Mubarak Vs. The Tamil Nadu Waqf Board and another – W.P.No.22010 of 2023 dated 08.09.2023,*
- iii) *S.A.K.Ibrahim Vs. The Chief Executive Officer, Tamil Nadu Waqf Board and others – W.P.Nos.16712 of 2020 and 29451 of 2023 dated 15.11.2023,*
- iv) *N.Mohammed Ali Jinna Vs. The Tamil Nadu Waqf Board and others – W.P.(MD).No.25585 of 2022 dated 07.06.2024.*

3. The learned Standing Counsel for the respondent Board would submit that an appeal has been preferred against the orders of this Court in the case of *Mohammed Yusuf*.

4. To a pointed question as to whether any interim order was granted in the appeal by this Court, the learned Standing Counsel would submit that no interim order was granted in the appeal.

5. In view thereof, the impugned proceedings dated 10.01.2023 and the consequential proceedings dated 18.01.2023 are set aside, inasmuch as the



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same is contrary to the decision of this Court cited supra. The petitioner and the Jamath shall ensure that the elections are conducted in accordance with the proforma/wakf deed, which was agreed to by the learned counsel for the petitioner as well as the learned counsel for the 3rd respondent.

6. Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes/ No
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MOHAMMED SHAFFIQ, J.

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