



W.P.(MD) No.10196 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No.10196 of 2024
and
W.M.P.(MD) No.9199 of 2024**

Mohammed Madheen

... Petitioner

Vs.

1.The Tamil Nadu Wakf Board,
Represented by its Chief Executive Officer,
Chennai – 28.

2.The Superintendent of Wakfs,
Tirunelveli.

3.The Inspector of Wakfs,
Thoothukudi.

4.Mohideen Abdul Kadhar

5.S.Yasar Arafath

6.S.A.Riaz Amahed

7.M.M.Hameem @ Nellai Ameen

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for
issuance of Writ of Mandamus, forbearing the respondents from conducting any



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meeting or election to the Puthantharuvai Muslim Sunnath-Wal-Jamath, Sathankulam, Thoothukudi except under the supervision of the respondents 1 to 3.

For Petitioner : Mr.G.Prabhu Rajadurai

For respondents : Mr.S.A.Ajmel Khan
Standing Counsel

ORDER

This Writ Petition is disposed of at the time of admission with the consent of the learned Standing Counsel for the respondents as no adverse proposed to be passed against the private respondents 4 to 7 in this order.

2. This Writ Petition is filed for the relief to forbear the respondents from conducting any meeting or election in the Puthantharuvai Muslim Sunnath-Wal-Jamath, Sathankulam, Thoothukudi except under the supervision of the respondents 1 to 3.

3. The specific case of the petitioner is that Puthantharuvai Muslim Sunnath-Wal-Jamath, Sathankulam, Thoothukudi has been notified by the Government under the provisions of the Wakf Act, 1995. The registration of the



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Wakf is under way and steps are being taken. The petitioner would submit that the subject Wakf Board namely, Muslim Sunnat-Wal-Jamath has not more than 350 members and that the petitioner was elected as Mutawalli for 3 years from 2019-23. Thereafter, once again elected unanimously by the members of the Wakf Board during 2023 for a period of 3 years.

4. It is the case of the petitioner that there was a clash in the premises of Wakf on 16.03.2024 between two rival groups, namely a group added headed by the petitioner and another group represented by the private respondents 4 to 7 and during the course of clash, there was a death, as a result of which, the petitioner has also been implicated in a criminal case, though the petitioner was outside the city at the time of clash. It is submitted that the petitioner has also obtained Anticipatory Bail from this Court in Cr.OP.(MD).No.5509 of 2024.

5. It is the further case of the petitioner that the private respondents 4 to 7 have now called for a meeting of the members to held fresh election for the Office of the administration of the Wakf and thereby, considered the petitioner and others, who were elected during 2023.



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6. The learned counsel for the petitioner further submits that the petitioner has no objection for fresh election to be conducted. However, the learned counsel for the petitioner submits that the petitioner will not be in a position to attend the meeting, as the situation is hostile in acrimonious.

7. The learned counsel for the petitioner further submits that the petitioner has given representations dated 15.04.2024 and 28.04.2024 duly supported by 41 members to the Wakf Board to ensure that the proposed meeting to be held on 28.04.2024 will be under the supervision of the Wakf Board so as to ensure that there is no untoward incident in the meeting.

8. The learned counsel for the Standing Counsel for the respondents 1 to 3, on the other hand, would submit that the Wakf Board is not concerned with the day to day affairs of the Wakf and that the Wakf Board has not sent notice of the meeting proposed to be held on 28.04.2024.

9. Having considered the arguments advanced by the learned counsel for the petitioner and the learned Standing Counsel for the official respondent



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nos.1,2 and 3, I see no impediments to direct the respondents 1 to 3. Hence, the third respondent is directed to be present in the meeting proposed to be held on 28.04.2024, so that the proceedings are to be conducted properly without any disturbances and that all the members are to be present, so that the election can be conducted as per their custom.

10. It is accepted that the third respondent will present during the meeting that is proposed to be held on 28.04.2024 and ensure that the election and succession of powers will be conducted in accordance with law under the provisions of the Wakf Act, 1995.

11. Accordingly, this Writ Petition stands disposed of. It is needless to say that before proceeding further, the official respondents 1 to 3 shall issue notice to the private respondents 4 to 7 as well. The respondents 1 to 3 may exercise the power under Section 32(4) of the Wakf Act, 1995. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes / No
apd

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C.SARAVANAN, J.

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