



W.P.(MD) No.15346 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.15346 of 2024

K.A.M.Syed Ibrahim

... Petitioner

Vs.

1.The Tamil Nadu Wakf Board,
Represented by its Chairman,
No.1, Jaffar Syrang Street, Mannady,
Chennai – 600 001.

2.The Tamil Nadu Wakf Board,
Represented by its Chief Executive Officer,
No.1, Jaffar Syrang Street, Mannady,
Chennai – 600 001.

3.The Superintendent/Election Officer,
Superintendent of Wakfs,
No.159, Therpasayanam Road,
Velipattinam,
Ramnad.

4.Ilayngudi Nesavu Pattadai Tholugai Medai Pallivasal
(G.S.No.82/RMD)A4),
Represented by its Managing Trustee Anwar Sadath.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the respondent to conduct election Ilayngudi Nesavu Pattadai Tholugai Medai Pallivasal, in lines with its Clause 9 of its Bye-Laws under the supervision of the 2nd respondent.

For petitioner : Mr.P.Abinav

For respondents : Mr.G.Chandrasekar
Standing Counsel for R1 to R3

ORDER

This Writ Petition is disposed of at the time of admission after hearing the learned counsel for the petitioner and learned Standing Counsel for the respondents 1 to 3.

2. It is the specific case of the petitioner that the elections in the fourth respondent/waqf has not been conducted in a proper manner and that the last election was held only in the year 2018.

3. It is further submitted that by-laws have been violated by the present incumbent Anwar Sadath, whose name appears on the Managing Trustee of the fourth respondent/waqf.



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4. On the other hand, the learned Standing Counsel for the respondents 1 to 3 would submit that the said by-law has not been approved by the Waqf Board till date and therefore, the petitioner can not rely on the same.

5. This Court has already taken a view that the Waqf Board can not enter into the internal power struggle within the Waqf and that the elections have to be strictly held in accordance with proforma and by-law. If there is any irregularities, it is for the petitioner to approach Waqf Board for the direct supervision of the Waqf Board or in the alternative approach the Waqf Board to frame a scheme under Section 69 of the Waqf Act, 1995. The petitioner cannot seek a direction to direct the second respondent to conduct the election. This is impermissible.

6. Therefore, this Writ Petition is liable to be dismissed. However, liberty is given to the petitioner either to request the Waqf Board to take over the management of the Waqf in accordance with law and under the provisions of the Waqf Act, 1995 or in the alternative, apply for the scheme under Section 69 of the Waqf Act.



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7. 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 within a period of six months from the date of receipt of a copy of this order.

This Writ Petition is disposed of with above directions. No costs.

Index : Yes / No
Internet : Yes / No
apd

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C.SARAVANAN, J.

apd

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