



W.P(MD)No.21428 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2024

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P(MD)No.21428 of 2024

and

W.M.P(MD)No.18132 of 2024

A.Abdqul Haq

... Petitioner

Vs.

- 1.The Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.
- 2.Tamil Nadu Wakf Board,
Represented by its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.
- 3.The Wakf Superintendent,
Tamil Nadu Wakf Board,
159/3, Tharppasayanam Road,
Vellipattinam, Ramanathapuram-623 504.
- 4.Islamiya Uravin Murai Trust Board,
Represented by its then President,
A.B.M.Samsudeen, Veerasholam Village,
Thiruchuli Taluk,
Virudhunagar District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to hold full charge of the administration of the fourth respondent Trust Board herein till the proper conduct of election to publication of result by monitoring the day to day affairs of the fourth respondent Trust Board by considering the petitioner's representation, dated 12.08.2024 and pass such further or other orders as this Court.

For Petitioner : Mr.VB.Sundhareshwar
For R-1 to R-3 : Mr.D.S.Haroon Rasheed
Standing Counsel

ORDER

The present Writ Petition is filed for a Mandamus seeking direction to the respondents 1 to 3 herein to hold full charge of the administration of the fourth respondent Trust Board herein till the proper conduct of election to publication of result by monitoring the day to day affairs of the fourth respondent Trust Board by considering the petitioner's representation, dated 12.08.2024.

2. It was submitted by the learned counsel for the petitioner that the petitioner was the member of Islamiya Uravin Murai Trust Board situated at Veeracholan Village, Thiruchuli Taluk, Virudhunagar District. The said Trust



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was administered by the petitioner's ancestors from the year 1956. Bye-law for effective administration of the Trust was prepared. After the Trust was formed, the elected office bearers did not act in accordance with the bye-law. No elections were held for period of more than 10 years. The tenure of last set of office bearers was extended from 19.03.2022 to 18.03.2024 without elections based on a special resolution No.09/2008 dated 23.07.2008. Thus the tenure of the above set of office bearers had come to an end by 18.03.2024.

3. It may be relevant to note that earlier the petitioner filed a writ petition in W.P(MD)No.13135 of 2024 before this Court and this Court allowed the writ petition by directing the respondents herein to conduct the election within a period of three months from the date of receipt of copy of that order. The said order copy was also communicated to the respondents on 09.08.2024. However, no election notification is issued yet.

4. While so, the erstwhile office bearers of the fourth respondent are stated to be engaged in collection of monies from the members of the fourth respondent Trust for celebrating Milad Kandhoori Festival going to be held on 29.09.2024. The monies collected is not credited to the Trust, instead is being



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misappropriated. Hence, the petitioner submitted a representation dated 12.08.2024 to the respondents to take full charge of the administration of the fourth respondent Trust herein till proper conduct of election and publication of result by monitoring the day to day affairs of the fourth respondent Trust. Since the said representation was not considered, the present Writ Petition is filed.

5. It was submitted by the learned Standing Counsel for the respondents that the petitioner's representation would be considered and orders would be passed in accordance with law within a period of four weeks, which was accepted by the learned counsel for the petitioner. In view of the above undertaking and also the limited prayer in the Writ Petition and the direction that is proposed, I am inclined to dispose of the Writ Petition dispensing with notice to the fourth respondent.

6. In view of the same and taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the respondents herein to consider the petitioner's representation dated 12.08.2024, on its own merits and pass appropriate orders in accordance with law, after affording reasonable opportunity of hearing to the petitioner and other interested persons/stake holders, within a period of four (4)



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weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any views with regard to the merits of the representation and it is open to the concerned respondent to consider the representation on its own merits and in accordance with law.

7. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

10.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

1.The Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.

2.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.



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3.The Wakf Superintendent,
Tamil Nadu Wakf Board,
159/3, Tharppasayanam Road,
Vellipattinam, Ramanathapuram-623 504.

4.The President,
Islamiya Uravin Murai Trust Board,
A.B.M.Samsudeen, Veerasholam Village,
Thiruchuli Taluk,
Virudhunagar District.



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MOHAMMED SHAFFIQ, J.

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