



W.P.(MD) No.22007 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.(MD) No.22007 of 2023
and
W.M.P.(MD) No.18348 of 2023**

K.Rahamathulla

... Petitioner

/vs./

- 1.The Chief Executive Officer,
Tamil Nadu Waqf Board,
Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai.
- 2.The Superintendent of Waqf,
Ramanathapuram Division,
Tamil Nadu Waqf Board,
Regional Office,
176/11, 1st Floor, Tharpasayanam Road,
Vellipattinam,
Ramanathapuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned election notification issued by the 2nd respondent in his proceedings in



W.P.(MD) No.22007 of 2023

Na.Ka.No.GS107/The.Aa./Va.Ka./RAM/2023 dated 03.08.2023 and quash the same as illegal.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondents : Mr.S.A.Ajmal Khan

ORDER

The writ petition has been filed challenging the election notification issued by the second respondent in Na.Ka.No.GS107/The.Aa./Va.Ka./RAM/2023 dated 03.08.2023.

2. Today, ie., 18.12.2024, in a similar writ petition in W.P.(MD) No.30305 of 2024, this Court following the judgment of this Court in the case of ***Mohammed Yusuf Vs. Tamil Nadu Wakf Board, rep by its Chief Executive Officer, Tirunelveli*** reported in ***2023 (3) CWC 143***, had held that the Wakf Board or the CEO do not have any authority for conducting the elections and therefore, they cannot also direct the Superintendent of Wakf to conduct the elections. Hence, I am inclined to set aside the election notification impugned herein.



W.P.(MD) No.22007 of 2023

WEB COPY

3. In fine, the Writ Petition stands allowed and the election notification impugned dated 03.08.2023 is set aside appointing one Mr.R.Maheswaran, (Enrol.No.1858/2008, Mobile No.99945 37887), Chamber No.158, Madurai Bench of Madras High Court Building, Madurai, as Advocate Commissioner to monitor that the elections are being conducted in a fair and proper manner. The Advocate Commissioner would be entitled to a sum of Rs.50,000/- as remuneration. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
Internet : Yes / No
mm

18.12.2024



WEB COPY



W.P.(MD) No.22007 of 2023

K.KUMARESH BABU, J.

mm

W.P.(MD) No.22007 of 2023

18.12.2024