



CONT P(MD), No.2871 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20.12.2024

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CONT. P.(MD)No.2871 of 2024

Mohamed Hanifa

... Petitioner

versus

1. Mr.Darez Ahamed, I.A.S.,
Chief Executive Officer,
Tamil Nadu Waqf Board,
No. 1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.

2. Mr.T.O.P.Thariq,,
The Waqf Superintendent,
Tirunelveli Zone,
Tirunelveli District.

... Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act 1971, to punish the Contemnors/respondents herein for the deliberate and willful disobedience in implementation of the order made in WP(MD).30232 of 2023 dated 19.12.2023.

For Petitioner : Mr.M.Mahaboob Athiff



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For Respondents : Mr.D.S.Haroon Rasheed
Standing Counsel

ORDER

This Contempt Petition is filed that the order of this Court passed in WP(MD)No.30232 of 2023 dated 19.12.2023 has not been complied with.

2. Today, when this contempt petition is taken up for hearing, the learned Standing Counsel appearing for the Waqf Board submits that on the very same Waqf, another writ petitions were filed by two other members of the Jamath in W.P.(MD)Nos.19317 and 19582 of 2024 and this Court, by order dated 18.08.2024, disposed of the writ petitions on the submissions made therein that a review application has been filed as against the order of this Court passed in W.P.(MD)No.30232 of 2023 and further course of action can be taken depending upon the outcome of the review application. Though it was represented that a review application has been filed, there is no review application filed as against the order passed by this Court in W.P.(MD)No.30232 of 2023.



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3. It appears that this Court has already passed an order that the Waqf Board may not have any jurisdiction to conduct the election and this issue is now pending before the Division Bench. In the meantime, this Court has passed an order in W.P.(MD)No.30232 of 2023 and the same has not been challenged by the Waqf Board or by any other members of the Jamath. In these circumstances, two other members of the same Jamath have filed writ petitions before this Court in W.P. (MD)Nos.19317 and 19582 of 2024 and a representation was made as if a review application has been filed as against the order passed by this Court in W.P.(MD)No.30232 of 2023. In the absence of any review application and any order as against the order passed by this Court in W.P.(MD)No.30232 of 2023, this Court cannot pass any further order in the Contempt Petition except directing the respondents to conduct the election.

4. The learned Standing Counsel appearing for the respondents submits that the Waqf Board have already issued a Notification for conducting election on 08.09.2024, however, in view of the subsequent development of filing the writ petitions by two other members of the



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same Jamath in W.P.(MD)Nos.19317 and 19582 of 2024, the election could not be completed. The learned Standing Counsel has given an undertaking that he would proceed with the election by issuing a Notification within a period of one week from today.

5. Considering the scope of the Contempt Petition and by recording the undertaking given by the learned Standing Counsel appearing for the respondent Board, this Contempt Petition is closed.

20.12.2024

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NCC : Yes / No.

Index : Yes / No.

Internet: Yes / No.

To

1. Mr.Darez Ahamed, I.A.S.,
Chief Executive Officer,
Tamil Nadu Waqf Board,
No. 1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.

2. Mr.T.O.P.Thariq,,
The Waqf Superintendent,
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B.PUGALENDHI, J.

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