

W.P.(MD) No.204 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD) No.204 of 2025

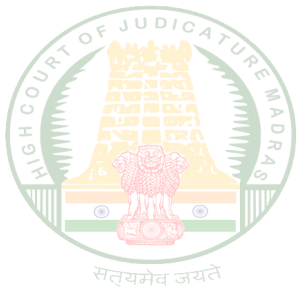
Shahul Hameed

...

Petitioner

-vs-

- 1 Tamil Nadu Waqf Board,
Represented by its Chairman,
No.1, Jaffar Syrang Street,
Vallal Seethakkathi Nagar,
Chennai 600 001.
- 2 The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakkathi Nagar,
Chennai 600 001.
- 3 The Superintendent of Waqf/Election Officer,
Thoothukudi District,
Office at the Superintendent of Waqf Board,
Tirunelveli.
- 4 The Inspector of Waqf,
Thoothukudi District,
Office at the Inspector of Waqf Board,
Tirunelveli District.



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5 M/s.Arampannai Mohaideen Pallivasal,
Represented by its Secretary,
Arampannai,
Thoothukudi District.

6 M.Abdul Karim

7 S.Abdul Karim

8 Abdul Faiz

9 Abdul Razak

10 Abdul Wahith

11 Abusali

12 Abul Kasim

13 Ayub Khan

14 Sahul Hameed

15 Mohamed

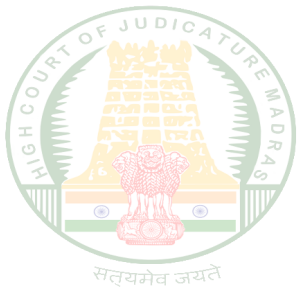
16 Mohamed Hussain

17 Mohamed Kasim

18 Mohamed Kalith

19 Noorul Akbar ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India,
praying for issuance of a writ of certiorari, to call for the records of the



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impugned order passed by the 3rd respondent in Na.Ka.No.G.S.299/T.Veli/TA/VK/2024, dated 29.12.2024, and quash the same.

For Petitioner : Mr.G.Prabhu Rajadurai,
for Mr.K.Navaneetharaja.

For Respondents 1 to 4 : Mr.D.S.Haroon Rasheed

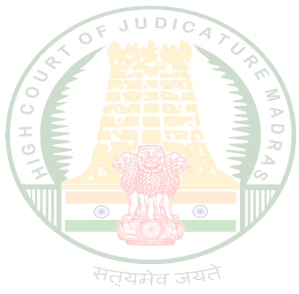
For Respondents 5 to 19 : Mr.M.Mahaboob Athiff

ORDER

This Writ Petition is filed, praying for issuance of a writ of certiorari, to call for the records of the impugned order passed by the 3rd respondent in Na.Ka.No.G.S.299/T.Veli/ TA/VK/2024 dated 29.12.2024 and quash the same.

2. By this petition, the petitioner wanted to conduct election for fifth respondent Pallivasal. In this regard, on 09.02.2024, the fifth respondent approached the second respondent and requested him to finalise the voters list. Thereafter, on 21.02.2024, the third respondent published a draft voters list and called for objections in respect of the same. Pursuant thereto, the third respondent issued a revised voters list.

3. According to the petitioner, in the revised voters list, there were many omissions and commissions; and therefore, on 18.03.2024, the fifth respondent approached the third respondent and submitted an objection in



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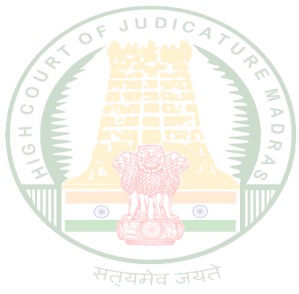
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respect of the voters list and requested the third respondent to conduct an enquiry to finalise the voters list. However, without conducting any enquiry and also without considering the objection, the third respondent proceeded with the election process. The petitioner also approached the respondents 3 and 4 and submitted his objection towards the publication of election notification, dated 23.12.2024, but the same was not considered by the respondents. On 29.12.2024, the respondents 3 and 4 conducted the election. Thereafter, the third respondent passed the impugned order, declaring the respondents 6 to 19, as the winning candidates, which, according to the petitioner, is arbitrary and illegal. Hence, this Writ Petition.

4. The grievance of the petitioner is that the respondents 3 and 4 have no jurisdiction to conduct the election to the fifth respondent Pallivasal, but, instead, it is the Waqf Board that should conduct the election.

5. On going through the records, it is seen that this matter involves disputed questions of facts, which cannot be gone into under Article 226 of the Constitution of India.

6. In this context, it is apposite to refer to a decision of the Hon'ble Supreme Court in *Board of Wakf, West Bengal, v. Anis Fatma Begum*, 2010 (14) SCC 588, wherein it is held that Wakf Tribunal can decide all disputes, questions or other matters whatsoever and in whatever manner arising



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relating to wakf or wakf property. Once property is found to be wakf property, all matters pertaining to wakf or wakf property have to be agitated before Wakf Tribunal. It has powers of a civil court and has power to grant temporary injunctions. Any one having disputes related to wakf or wakf property has to first raise it before Wakf Tribunal. Civil Courts and High Courts should not straightaway entertain matters related to wakfs or wakf property.

7. In the light of the above decision of the Hon'ble Supreme Court, the petitioner has to raise the disputes herein before Wakf Tribunal.

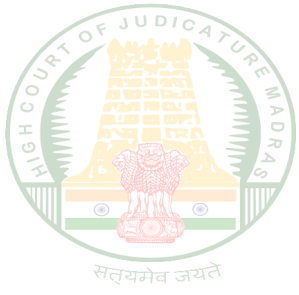
8. Learned counsel for the respondents Board has submitted that election has taken place and the result has also been declared.

9. Whatever be the circumstance, the petitioner is at liberty to approach Wakf Tribunal, in which event, Wakf Tribunal shall decide the case of the petitioner on its merits and in accordance with law, within a period of three months.

10. Writ Petition is disposed of accordingly. No costs. Consequently, the connected W.M.P.(MD) Nos.175,176 and 177 of 2025 are closed.

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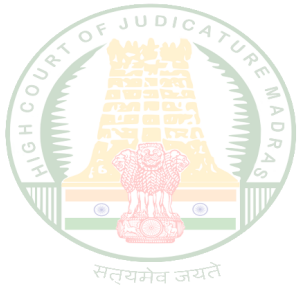


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VIVEK KUMAR SINGH, J.

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