



W.P.(MD)No.6755 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.6755 of 2025

Abubacker Siddiq

: Petitioner

Vs.

1. The Superintendent of Wakfs,
Velipattinam,
Ramanathapuram,
Ramanathapuram District.

2. The Inspector of Wakfs,
Velipattinam,
Ramanathapuram,
Ramanathapuram District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to convene general body meeting by giving due notice to the members and conduct a free and fair election and to elect new office bearers of the Masjide Noor Muslim Jamath, Paramakudi, Ramanathapuram District within a time stipulated by this Honble Court.

For Petitioner : Mr. S.Manojkumar

For Respondents : Mr.D.S.Haroon Rasheed



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ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 and 2 to convene general body meeting by giving due notice to the members and conduct a free and fair election and to elect new office bearers of the Masjide Noor Muslim Jamath, Paramakudi, Ramanathapuram District, within a time frame.

2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner asserts that, according to the bye-laws of the Jamath, the term of the office bearers is three years. In 2017, this Court appointed two Advocate Commissioners to conduct the election, and the election was held accordingly. The office bearers elected at that time completed their tenure on 04.12.2023. However, the election has not been conducted since then. In this regard, the petitioner submitted a representation to the respondents. However, since no action has been taken, the petitioner has now filed the present Writ Petition



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4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the respondents, to consider the petitioner's representation dated 04.02.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of four weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the respondents to consider the same on its own merits.



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6. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

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Index : Yes / No

Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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