



W.P.(MD) No.10392 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.10392 of 2023

and

W.M.P.(MD) Nos.10316 and 10317 of 2023

A.Mohamed Mahin Abubackar

.. Petitioner

Vs.

1.The Tamil Nadu Waqf Board,
Rep., by its Chief Executive Officer,
Jaffer Syrang Street, Vallal Seethakathi Nagar,
Chennai-1.

2.The Superintendant of Waqf Board/
Election Officer,
51/80, Kadar Auliya Pallivasal Complex,
Kulavanigapuram, Palayamkomattai,
Tirunelveli-627 002.

3.Mohamed Sheriff

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India,
praying for issuance of Writ of Certiorarified Mandamus, to call for the
records relating to the impugned Election Notification No.3 issued by the



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2nd respondent in his proceedings in Na.Ka.G.S.No. 13/Va.Ka/Thae.A/Thi.Veli/2023, dated 17.04.2023 and quash the same as illegal and consequentially for a direction to appoint an officer of the court as the Election Officer for conducting election of Kuthba Prayer Mosque alias Meerasa A Pallivasal also called as the Muslim Jamaat, Kanyakumari within the period that may be stipulated by this Court.

For Petitioner	:	Mr.N.Mohideen Basha for M/s.Ajmal Associates
For R1 & R2	:	Mr.D.S.Haroon Rasheed
For R3	:	Mr.M.Mahaboob Athiff

ORDER

Even though various disputes have been raised by the learned counsel appearing for the petitioner as well as the learned counsel for the third respondent with regard to the voters list, it is to be noted that a list of 355 eligible voters had been published by the Waqf Board, which is also subject matter of this writ petition. But, however, without entering upon the disputes that had been raised by the respective parties, this Court is of the view that the election would have to be conducted for the



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Waqf in question. In such view of the matter, this Court appoints Hon'ble Mr.Justice D.Hari Paranthaman, Former Judge of this Court as an Election Officer, to conduct election to the Trust. The learned Judge would be entitled to fix his remuneration and he would also be entitled to seek for police protection, if necessary for the smooth conduct of election and in such event, the Superintendant of Police, Kanyakumari shall arrange for such police protection as required by the learned Judge. The learned Judge shall also take into consideration the objections raised by the respective parties in respect of finalising the voters list and thereafter, conduct the election and in that regard, he shall also take into consideration the orders passed by this Court.

2. Registry is directed to mark a copy of this order to the Superintendant of Police, Kanyakumari to enable him to give effect to the order passed by this Court as expeditiously as possible.

3. This Writ Petition stands disposed of with the aforesaid directions. There shall be no order as to costs.



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4. In view of the order passed in this writ petition, no order is required to be passed in W.M.P.(MD) Nos.10316 and 10317 of 2023 and they are closed accordingly.

28.01.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

1.The Chief Executive Officer,
Tamil Nadu Waqf Board,
Jaffer Syrang Street, Vallal Seethakathi Nagar,
Chennai-1.

2.The Superintendant of Waqf Board/
Election Officer,
51/80, Kadar Auliya Pallivasal Complex,
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K.KUMARESH BABU, J.

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