



W.P.(MD)No.21799 of 2024 and 417 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : **21.01.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

W.P.(MD)No.21799 of 2024 and 417 of 2025

and

W.M.P.(MD)No.18417 & 18418 of 2024

W.P.(MD)No.21799 of 2024:-

- 1.A.Samsudeen
- 2.N.Mohaiddeen Musafar Ali
- 3.K.Nagoor Kani

... Petitioners

Vs.

1. Tamil Nadu Waqf Board,
Represented by its Chairman,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai.
2. The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai.
3. The Election Officer / the Superintendent of Waqf,
Ramanathapuram Circle,
Ramanathapuram District.

... Respondents



W.P.(MD)No.21799 of 2024 and 417 of 2025

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the circular issued by the 3rd respondent vide proceedings in R.C.No. 4168/C1/2020 dated 18.11.2021 in so far as the Instruction No. 1 is concerned and the election notification issued by the 3rd respondent vide proceedings in Na.Ka.G.S. No. 106/Va.Ka./They.A/ Rama/2024 dated 30.08.2024 in so far as the Regulation No.6 is concerned and quash the same as illegal.

(Prayer is amended vide order of this Court dated 20.11.2024 in WMP(MD)No. 20125 of 2024.)

For Petitioner : Mr.P.Mohammed Suhail
for M/s.Ajmal Associates
For Respondents : Mr.G.Chandrasekar

W.P.(MD)No.417 of 2025:-

Taj Mohamed

... Petitioner

Vs.

1. The Chief Executive Office,
The Tamilnadu Wakf Board,
No. 1, Jaffer Serang Street,
Valla Seethakathi Nagar,
Chennai 600 001.
2. The Superintendent,
The Tamilnadu Waqf Board,
Tharapasayanam Road,
Velipattinam,
Ramanathapuram Town.



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3. The Wakf Inspector,
The Tamilnadu Wakf Board,
Tharapasayanam Road,
Velipattinam,
Ramanathapuram Town.

... Respondents

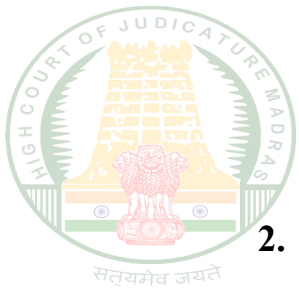
PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to appoint of Election Officer and to conduct proper election in front of Election Officer for the post of Jamath President, Secretary, Treasury and Office bearers Nesavupattai - Sandhupattai Muslim Matharasa (Matharasa Hyrathul Aliya) Pallivasal, Paramakudi Town, Paramakudi Taluk, Ramanathapuram District.

For Petitioner : Mr.J.M.Hassanul Bazari

For Respondents : Mr.G.Karnan

COMMON ORDER

Challenging the election notification dated 30.08.2024, which was sought to be amended and also challenging Clause 1 of the Circular issued by the 3rd respondent vide proceedings in R.C.No. 4168/C1/2020 dated 18.11.2021, which requires the payment of subscription by Muthawalli to the Tamil Nadu Waqf Board for the conduct of election and also seeking for a direction to appoint an Election Officer to conduct election for the Waqf, these writ petitions have been filed.

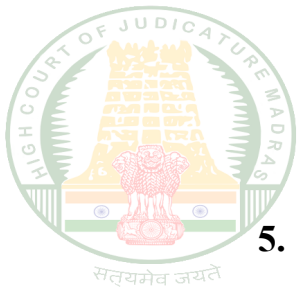


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2. Heard the learned counsel on both sides and carefully perused the entire materials available on record.

3. It is not disputed that no election has been conducted for the Waqf from the year 2004. The Waqf has been under direct management till 2017. In the year 2017, an Adhoc committee was appointed by the Waqf board and the same has been in management of the Waqf. The proforma of the Waqf indicates that the Waqf shall be administered by the elected person from the members of the Waqf. Since no election had been conducted for the administration of the Waqf, it would be imperative that the election be conducted for the Waqf.

4. Clause (1) of the Circular issued by the 3rd respondent vide proceedings in R.C.No. 4168/C1/2020 dated 18.11.2021, that was impugned in WP(MD)No.21799 of 2024 cannot be applied to this Waqf in particular, since it had been under the direct management of the Waqf Board till the year 2017. It is also an admitted case that the subscription for the Waqf for the period from the year 2017 till date had been paid at the present by the Adhoc committee and therefore, the said clause cannot be put against the Waqf.



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5. In view that the election has to be conducted for the Waqf as per the proforma, this Court is inclined to appoint Ms.M.M.I.Khaeel (MS 200/2011), Plot No.5, Door No.169, 1st Floor, VIP Garden, Y.Othakadai, Madurai -23, Contact : 98948 46941, as the Advocate Commissioner / Election Officer to conduct election for the Waqf. The Advocate Commissioner / Election Officer shall publish the list of eligible voters within a period of four weeks from the date of receipt of a copy of this order and he shall call for objections, if any & decide the same and publish the final voters list within a period of two weeks thereafter. After publishing the final voters list, he shall call for nomination of candidature within a period of two weeks thereafter and after scrutinizing of such candidature, he shall conduct election within a period of four weeks therefrom. The Advocate Commissioner / Election Officer, shall be entitled to the remuneration of Rs.75,000/- (Rupees Seventy Five Thousand only).

6. With the above direction, the writ petitions stand disposed of. No costs. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

21.01.2025

NCC : Yes / No
Index : Yes / No

(2/2)



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K.KUMARESH BABU, J.

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Note: Registry is directed to issue warrant to
the Advocate Commissioner / Election Officer.

Common Order made in
W.P.(MD)No.21799 of 2024 and 417 of 2025
(2/2)

Dated
21.01.2025