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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 10.01.2025

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

Rev. Aplw. (MD)No.211 of 2024
in
W.P.(MD)No.207 of 2024
and
W.M.P.(MD)Nos.22249 and 22251 of 2024

West Masi Street Chinna Pallivasal
No.86, West Masi Street,
Madurai
Through its Managing Trustee ... Petitioner

versus

1. A.Aftab Ahmed

2. The Tamil Nadu Waqf Board,
Rep. by its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

3. S.Syed Munaf
(R3 is impleaded vide order
dated 10.01.2025 in W.M.P.(MD)No.
469 of 2025) ... Respondents

Review Petition filed under Order 47 Rules 1 and 2 C.P.C. And Section 114 C.P.C. to review and reconsider the order dated 12.01.2024

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passed by this Court in W.P.(MD)No.207 of 2024.

For Petitioner : Mr.S.Srinivasa Raghavan

For R1 : M/s.Ajmath Begam
For R2 : Mr.S.A.Ajmal Khan
For R3 : Mr.K.P.Narayana Kumar

ORDER

The second respondent in W.P.(MD)No.207 of 2024 has filed this review application to review the order passed by this Court in W.P.(MD)No.207 of 2024, dated 12.01.2024 that the name of the counsel for the second respondent was not printed in the cause list properly on 12.01.2024.

2. This Court disposed of the writ petition in W.P.(MD)No.207 of 2024 filed by the first respondent directing the Tamil Nadu Waqf Board to convene a meeting, decide the date for election and conduct the election for West Masi Street Chinna Pallivasal, Madurai.

3. In this Review Application, the learned counsel on either side have agreed that the election has to be conducted, however, they are having a grievance as against the Waqf Board that the election should not

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be conducted by the Waqf Board.

4. The learned counsel appearing for the Waqf Board is not having any grievance and he has also expreseed that he is not particular that election has to be conducted only by the Waqf Board and if the election is conducted peacefully, then, they are not having any objection for conducting election even by appointing Advocate Commissioners.

5. The learned counsel appearing for the review petitioner/second respondent in W.P.(MD)No.207 of 2024 and the first respondent/writ petitioner and the impleading 3rd respondent have filed an affidavit before this Court for conducting election by appointing Advocate Commissioners.

6. It is reported that the Jamath has not seen the election for the past 33 years and therefore, the properties of the Jamath are not properly maintained.

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7. Since all the parties have given a consensus for conducting election for the Jamath by appointing Advocate Commissioners, this Court has suggested the parties concerned to recommend Advocate Commissioners on consensus. They have also agreed for appointing learned counsels Mr.S.Anwar Sameem and Mr.H.Mohammed Imran as Advocate Commissioners.

8. Accordingly, this Review Application is disposed of in the following terms:

(i) Learned Counsels Mr.S.Anwar Sameem, (Enrl.No.2824/08, cell No.9894498078, having chamber at No.37, Law Chamber) and Mr.H.Mohammed Imran, (Enrl.No.1960/09, cell No.9843500321, having chamber at No.48, Law Chamber), who are having 15 years of experience before this Court, are appinted as Advocate Commissioners to conduct election.

(ii) The review petitioner, representing the Managing Trustee of the Jamath, has agreed to bear 50% of the expenses of the Election Officers/Advocate Commissioners.

(iii) The learned counsel appearing for the first respondent/writ

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petitioner and the impleading respondent have agreed to bear 25% each of the balance amount for the Election Officers/Advocate Commissioners.

(iv) The initial remuneration of the Advocate Commissioners is fixed at Rs.1,00,000/- each and the same shall be paid by the respective parties as agreed above.

(v) The Advocate Commissioners/Election Officers shall conduct election from the nomination fees collected. The remaining expenses, if any, for the election has to be paid by the petitioner.

(vi) The parties are directed to co-operate with the Election Officers for conducting election in a peaceful manner. In the event, if the Election Officers require police protection, necessary police protection shall be provided by the Inspector of Police, Thilagar Thidal Police Station, Madurai. No costs. Consequently, connected miscellaneous petitions are closed.

10.01.2025

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

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To

The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

Rev. Aplw. (MD)No.211 of 2024

10.01.2025

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