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W.P.(MD)NO.22825 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.22825 of 2025

M.Zahirudeen

... Petitioner

Vs.

1. The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Japar Sirank Street,
Vallal Seethakathi, Chennai.

2. Chinna Pallivasal Waqf,
Rep. by the President,
Chinnavpallivasal, West Masi Street,
Madurai.

3. Anvar Zhameen

4. Mohammed Imran

(R-3 & R-4 are *suo motu* impleaded
vide order dated 14.10.2025)

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Court Commissioner to conduct the re-election to the Chinna Pallivasal Waqf situated at West Masi Street, Madurai after preparing the fresh voter list as per the direction given by this Court by its order dated 02.06.2025 in W.A.(MD)No.1216 of 2025 by considering the petitioner's representation dated 31.07.2025.



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For Petitioner : Mr.K.Balasundaram,
Senior Counsel,
for M/s.KBS Law Office.

For Respondents : Mr.S.A.Ajmalkhan for R-1.
Mr.I.Saliyakhan for R-2.

Mr.S.Anwar Sameem,
Advocate Commissioner.

ORDER

Heard both sides.

2. The case on hand pertains to holding elections to elect office bearers of the petition-mentioned Waqf. This was the subject matter of W.P.(MD)No.207 of 2024 and Rev.Aplc.(MD)No.211 of 2024. Certain directions were issued. The matter was put to challenge in W.A.(MD)No.1216 of 2025. The writ appeal was disposed of by the Division Bench to which I was a party. The order dated 02.06.2025 passed by the Division Bench reads as follows:-

3.The learned senior counsel appearing for the third party appellant would point out that the voters list must be finalised by bearing in mind the scheme decree made in O.S.No.120 of 1920 on



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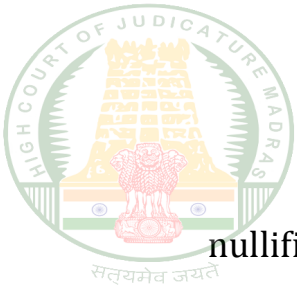
the file of I Additional Sub Court, Madurai. We notice that an amendment was made in I.A.No.1098 of 2011. Clause 2 of the amended decree reads as follows:

“2) The Jamathars of Pallivasal shall be residents of Pallivasal lane, Kannadikara lane, Thulukkar, Athamsha Sahib lane, Mohamamden lane @ Town Hall Road, Mandaiyar Asari lane.”

4. Any muslim residing in the aforesaid 6 lanes will form the electoral college. 10.01.2025 shall be the cut off date. In other words, any person who is residing as on date with effect from 10.01.2025 can be enrolled as a voter. There is no serious contest regarding the other directions issued by the learned single Judge.”

3. Challenging the same, the appellant filed SLP(C)No. 17638 of 2025 before the Hon'ble Supreme Court. The Hon'ble Supreme Court dismissed the SLP vide order dated 11.07.2025.

4. In this background, the present writ petition has been filed to direct the Court Commissioner to conduct re-election. Re-election can be ordered only if the election originally held is



nullified. In this writ petition, the election already held has not been impugned at all. Granting liberty to the petitioner to avail such remedy available in law, this writ petition stands disposed of. No costs.

14.10.2025

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