



W.P.(MD)No.25887 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 30.10.2024

DATED : 28.01.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. (MD)No.25887 of 2022

and

W.M.P. (MD)Nos.20017 and 20018 of 2022

Meerakani. R
S/o. Resavu Mydeen,
President, Avuliya Meera Sahib Pallivasal,
Achanpudhur, Kadayanallur
Taluk, Tenkasi District.

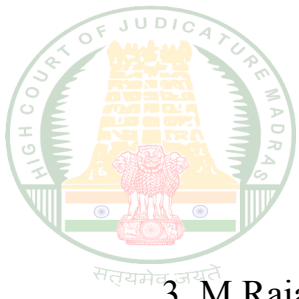
Residing at No:6-1-93,
Middle Street, Achanpudur,
Tenkasi District- 627803.

... Petitioner

Vs.

1.The Chief Executive Officer
The Tamil Nadu Waqf Board,
No. 1 Jafer Syrang Street,
Vallaseethakathi Nagar, Chennai.

2.The Superintendent of Waqf,
Tamil Nadu Waqf Board,
Tirunelveli Regional Office,
Tirunelveli.



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3. M.Raja Saleem

... Respondents

(R3 is suo moto impleaded vide Court order dated 16.11.2022 by MSQJ)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of CERTIORARI, calling for the records relating to the Impugned order of the 2nd respondent in his proceedings in Na.Ka. No. 252&254/Va.ka/Tvl/2022 dated 04-11-2022 and quash the same as illegal and pass such further or other orders.

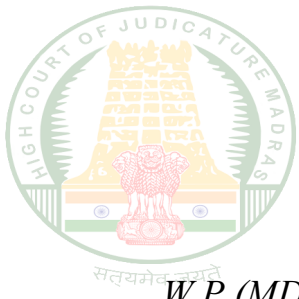
For Petitioner : Mr.M.Mahaboob Athiff

For Respondents : Mr.V.Raghavachari
1 & 2 Senior Advocate
Assisted by Mr.D.S.Haroon Rasheed
Standing Counsel

ORDER

The present writ petition has been filed praying for a writ of certiorari calling for the records relating to the impugned notification of the 2nd respondent in his proceedings in Na.Ka.No.252&254/Va.ka/Tvl/2022 dated 04.11.2022 and quash the same as illegal.

2. The notification issued by Tamil Nadu Wakf Board is challenged on the premise that the same is without jurisdiction inasmuch it has been held by this Court in the case of *Mohamed Yusuf vs Tamil Nadu Waqf Board*, in



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W.P.(MD).Nos.13695 of 2020, that the Board does not have the power to conduct elections.

3. The learned counsel of the Respondents submitted that the above issue requires a reconsideration. It is submitted by the learned counsel of the petitioner that subsequent to the above judgement, the above view has been reiterated on more than one occasion by this Court, some of them being;

i) *Shajahan Vs. The Tamil Nadu Waqf Board and others – W.P.(MD). No.20031 of 2023 dated 31.08.2023;*

ii) *A.Mohammad Mubarak Vs. The Tamil Nadu Waqf Board and another – W.P.No.22010 of 2023 dated 08.09.2023;*

iii) *S.A.K.Ibrahim Vs. The Chief Executive Officer, Tamil Nadu Waqf Board and others – W.P.Nos.16712 of 2020 and 29451 of 2023 dated 15.11.2023;*

iv) *N.Mohammed Ali Jinna Vs. The Tamil Nadu Waqf Board and others – W.P.(MD). No.25585 of 2022 dated 07.06.2024.*

4. It was also submitted that though a writ appeal has been preferred by the Respondent Board, however there is no stay in view thereof it continues to bind the Board. In view thereof, the Waqf Act, 1995, does not empower the Board or its Executive Officer, to either conduct elections for individual Waqfs.



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There is no provision under the Waqf Act, 1995 which enables the Board or its officers to hold/conduct elections.

5. This Court finds that there is merit in the submission of the learned counsel for the petitioner and see no reason to take a different view or depart from the earlier view of this Court in the above cited judgement followed by this Court on more than one occasion.

6. In these circumstances, the impugned notification dated 04.11.2022 is set aside. The writ petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

28.01.2025

NCC : Yes / No
Index : Yes / No
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2.The Superintendent of Waqf,
Tamil Nadu Waqf Board,
Tirunelveli Regional Office,
Tirunelveli.



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MOHAMMED SHAFFIQ, J.

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