

WP(MD) No.23244 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Wednesday, the Twenty Seventh day of September Two Thousand and
Twenty Three

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

WP(MD) No.23244 of 2023

AND

WMP(MD) No.19420 of 2023

JAMAL MOHAMED
MUTAWALLI,
INAM KULATHUR ROWTHERMAR PALLIVASAL WAQF,
INAM KULATHUR,
SRIRANGAM,
TRICHIRAPPALLI.

... PETITIONER

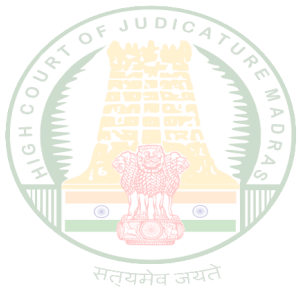
Vs

1 THE TAMIL NADU WAQF BOARD
REP. BY ITS CHIEF EXECUTIVE OFFICER,
NO.1 JAFFAR SYRANG STREET,
VALLAL SEETHAKATHI NAGAR,
CHENNAI

2 THE SUPERINTENDENT OF WAQF /
ELECTION OFFICER, TAMIL NADU WAQF BOARD,
TRICHY DIVISION,
TIRUCHIRAPPALLI.

... RESPONDENTS

(*)3 A.HIDAYATHULLAJH
S/o.ABDUL KADER,
No.68, MIDDLE STREET,
IMAN KULATHUR,
SRIRANGAM TALUK,
TIRUCHIRAPPALLI-620 009.



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(*4) TAJUDEEN

S/o.SHAIK MOHIDEEN,
No.3/54, MIDDLE STREET,
IMAN KULATHUR,
SRIRANGAM TALUK, TIRUCHIRAPALLI-620 009.

(*5) AZAD ALI AHAMED

S/o.SHAFI MOHAMED,
1-148C, PALLIVASAL STREET,
IMAN KULATHUR,
SRIRANGAM TALUK, TIRUCHIRAPALLI-620 009.

(*R3,R4 & R5 IS IMPLEADED AS PER
ORDER OF THIS COURT DATED.27.09.2023
IN WMP(MD).20050,20052 & 20053 of 2023
IN WP(MD).23244/2023

Writ Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue a Writ of Declaration to declare the election proceedings initiated by issuance of the impugned election notification by the 2nd respondent in NA.KA.GS.761/ Trichy/VK/ THE.AA.2023 dated 11.08.2023 and all consequential proceedings to be illegal and nullity in light of the decision of this Honble Court in Mohamed Yusuf vs. Tamil Nadu Waqf Board, 2023 4 CTC 551.

Prayer in WMP(MD). 19420/ 2023 :

To grant an order in the nature of an Ad-Interim Stay of all further proceedings pursuant to the impugned election notification by the 2nd respondent in NA.KA.GS.761/Trichy/VK/THE.AA.2023 dated 11.08.2023 pending disposal of the above writ petition and thus render justice.

ORDER : This Writ Petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.MAHABOOB ATHIFF M., Advocate for the petitioner and of Mr.D.S.HAROON RASHEED, Standing Counsel on behalf of the Respondents No.1 & 2 and Mr.S.UMAR FAROOQ RAJA, Advocate for the 3rd Respondent and Mr.S.RAMSUNDARVIJAYRAJ, Advocate for the 4th Respondent and



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Mr.A.MOHAMED ISMAIL, Advocate for the 5th Respondent, the court made the following order:-

The petitioner stated that as per the proforma, the appointment of a Mutawalli is by nomination by the Muslims of the locality. However, in the present case, the respondents have conducted election which is against the proforma. It is also against the dictum laid down by the Learned Single Judge in the case of Mohamed Yusf vs. Tamil Nadu Waqf Board, 2023(4) CTC 551.

2. However, the learned Counsel appearing for intervener vehemently objected, since there was no consensus in nomination. Then, the Waqf Board left with no option than to conduct election. But the said contention cannot be accepted. If there is any deviation from the proforma, then it should be after formulating any scheme or by modifying a proforma as known to law.

3. After hearing the rival submissions, this Court is appointing an Adhoc Committee to manage the day-to-day affairs of the Wakf consisting of Mr.Rajakkili, Advocate Commission along A.Hidayathullah, S.Azad Ali Ahamed, K.Abdyk Wadooth and D.M.Farooq who were suggested from both sides. The above said five members shall manage the Waqf until the alternative arrangements are made.

4. In the meanwhile, the impugned order dated 11.08.2023 is stayed. If the respondents have taken any proceedings in furtherance to the impugned order, the same is also stayed. This order is passed based on the consent of all parties.



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forthwith.

5.The petitioner is directed to handover the property to the adhoc committee

6. Post the case on 19.10.2023, "For Orders".

sd/-
27/09/2023

/ TRUE COPY /

29/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

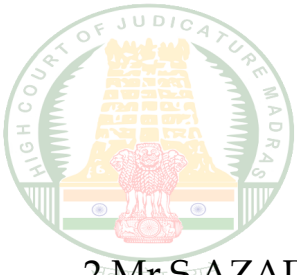
SML
TO

1 THE CHIEF EXECUTIVE OFFICER,
TAMIL NADU WAQF BOARD
NO.1 JAFFAR SYRANG STREET,
VALLAL SEETHAKATHI NAGAR,
CHENNAI

2 THE SUPERINTENDENT OF WAQF /
ELECTION OFFICER, TAMIL NADU WAQF BOARD,
TRICHY DIVISION,
TIRUCHIRAPPALLI.

COPY TO:

1 Mr.A.HIDAYATHULLAH,
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Ph.No.99408 65824.



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2 Mr.S.AZAD ALI AHAMED,
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TIRUCHIRAPALLI-620 009.
Ph.No.97892 75935 / 94430 16561.

3 Shri.K.RAJAKILI,
ADVOCATE,
No.61, SUBRAMNIAN NAGAR, P.T.PANTHAL,
PUDUKOTTAI TOWN & DISTRICT-622 001.
Ph.No.94435 93102.

4 Mr.K.ABDUL WADOOTH,
S/o.KHADER MASTHAN,
3/53, NADU STREET,
INAMKULATHUR,
SRIRANGAM TALUK, TRICHY-620 009.
Ph.No.94432 10009

5 V.M.FAROOK,
S/o.VARUSAI MOHAMMED,
1,AL-AMEEN NAGAR, INAMKULATHUR,
TRICHY-620 009. Ph.No.94434 11295.

+1 cc to Mr.A.MOHAMED ISMAIL, Advocate, SR.No.14500

+1 cc to Mr.S.RAMSUNDARVIJAYRAJ, Advocate, SR.No.14498

+1 cc to Mr.UMAR FAROOQ RAJA, Advocate, SR.No.14499

ORDER IN
WP(MD) No.23244 of 2023 AND
WMP(MD) No.19420 of 2023
Date :27/09/2023

SA/SAR. /29.09.2023/5P/11C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.