
(2014) 02 KAR CK 0315

In the Karnataka High Court

Case No : Writ Petition No. 49939/2013 & Writ Petition No. 50313/2013
(GM-WAKF)

Janab C. Nazirulla Sharieff and Dr. Sheik Ismail

APPELLANT

Vs

Chief Executive Officer, Karnataka State Board of wakfs and
Chairman, District Wakf Advisory Committee

RESPONDENT

Date of Decision : 14-02-2014

Acts Referred:

Citation : (2014) 02 KAR CK 0315

Hon'ble Judges : A.S. Bopanna, J

Bench : Single Bench

Advocate : Sri Tajuddin, Advocate for the Appellant; S.R. Anuradha, Advocate for R1, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

A.S. Bopanna, J.—The petitioners are before this Court seeking for issue of mandamus to direct the respondents to appoint fresh Election Officer who can proceed with the election process to conduct the election to the Macca Masjid Managing Committee Ahle Sunnath Jamath and Arabic Madrasa, Chinnappa Garden, Bangalore-560046. The petitioners in that direction are seeking consideration of the representation dated 05.09.2013 at Annexure-L to the petitions. The petitioners claim to be interested in the Macca Masjid and in that regard are seeking the appropriate management of the said Masjid as provided under the WAKF Act, since elections have not been held to the said Masjid. The petitioner contends that though they have repeatedly represented to the respondents praying that an appropriate Election Officer be appointed and the elections be held, the same has not received consideration and therefore, the petitioners are before this Court.

2. In the instant petitions, the petitioners refer to the representation dated 05.09.2013 at Annexure-L to the petitions. The learned counsel for the petitioners would contend that though such representation has been repeatedly

made and there is a duty cast on the respondent-WAKF Board to take appropriate action for management of the institution, the same has not been considered.

3. The learned counsel representing the respondents would submit that presently the representation has been made by certain residents of the area. It is contended that the WAKF institution is under the direct management of the Board and according to the respondents, the institution is being managed in accordance with law.

4. Presently, since the petitioners claim to be interested in the affairs of the management and even though the respondents contend that the institution is presently under the direct management, whether subsequent thereto the necessity of holding the election is there or not is a matter to be considered by the respondents, if an appropriate request is made by the persons disclosing their identity and interest in a representation that is made to the respondents. As noticed, the representation presently relied on seeking consideration though contains the names and signatures of several persons, the representation as such does not disclose the identity of the persons. It is no doubt true that the petitioner contends that they are also signatories to the said representation. In such circumstance, I am of the opinion that instead of directing the consideration of the representation dated 05.09.2013 at Annexure-L, it would be appropriate to reserve liberty to the petitioners to make a detailed representation disclosing their identity and interest in the WAKF institution and also the circumstances under which they seek that the elections be held and if there are any short comings in the management presently being carried on. If such representation is made by the petitioners or such other persons disclosing their interest in the institution within two weeks from the date of receipt of copy of this order, the same shall be considered by the respondents in accordance with law. The respondents shall consider such representation in a expeditious manner after the petitioner makes such representation.

In terms of the above, these petitions stand disposed of.