

(2010) 10 MAD CK 0428

In the Madras High Court

Case No : Writ Petition No. 10713 of 2009 and M.P. (MD) No"s. 2, 3 and 4 of 2010

M. Bashir Ahmed, M. Mohammed Ashik, M. Amanullakhan
and A. Hakkeem Raja

APPELLANT

Vs

The Election Officer, Wakf Superintendent and The Chair
Person, Tamil Nadu Wakf Board

RESPONDENT

Date of Decision : 21-10-2010

Acts Referred:

Waqf Act, 1995 — Section 83

Citation : (2010) 10 MAD CK 0428

Hon'ble Judges : M. Jaichandren, J

Bench : Single Bench

Advocate : S. Karthik, for the Appellant; K.K. Senthil, for the Respondent

Final Decision : Dismissed

Judgement

M. Jaichandren, J.—This writ petition has been filed praying for a writ of certiorarified mandamus to call for the records relating to the order of the first Respondent, dated 16.10.2009, rejecting the nomination of the Petitioners, for the election of the members of the Administrative Committee of Vavare Pallivasal in Cumbum, Theni District, held on 25.10.2009.

2. Heard Mr. S. Karthik, the learned Counsel appearing on behalf of the Petitioners, as well as Mr. K.K. Senthil, the learned Counsel appearing on behalf of the Respondents.

3. The main contention of the learned Counsel appearing on behalf of the Petitioner is that even though the names of the Petitioners are included in the voters list, they had not been permitted to contest in the election.

4. The learned Counsel appearing on behalf of the Respondents had submitted that the writ petition is not maintainable, since, there is an efficacious appellate remedy provided, u/s 83 of the Wakf Act, 1995. It has also been stated that in

similar circumstances, this Court had dismissed the writ petitions concerned, permitting the Petitioner to approach the Wakf Tribunal, u/s 83 of the Wakf Act, 1995.

5. The learned Counsel appearing on behalf of the Respondents had placed before this Court an order, dated 08.09.2010, made in W.P.(MD) No. 10406 of 2010, in support of his contention.

6. In view of the submissions made by the learned Counsel appearing on behalf of the Respondents and in view of the earlier order passed by this Court, on 08.09.2010, in W.P.(MD) No. 10406 of 2010, the present writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed. However, it is made clear that it would be open to the Petitioner to seek the necessary relief before the appropriate forum, in the manner known to law, if so advised.