



WEB COPY

WP No. 4803 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 4803 of 2022

AND

WMP NO. 12329 OF 2022, WMP NO. 4910 OF 2022, WMP NO. 4911 OF 2022

K.M.Mohideen Kunhi

..Petitioner(s)

Vs

1. The Tamilnadu Waqf Board
Rep by its the Chief executive officer No. 1
Jaffer syrang street, Vallal seethakathi Nagar,
chenani 600 001.
2. The Executive officer
Jumma Masjid, Kutchery Road, Mylapore
chennai 600 044
3. Syed Maskoor Mohideen

..Respondent(s)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for a issuance of writ of Certiorari calling upon the records of the 1st respondent in Na.Ka.No. 8522 / 86 / AA6 / chennai dated 22.02.2022 and thereby quash the same as illegal, ultravires and arbitrary

For Petitioner(s):

Mr.T.N.Rajagopalan for Mr.A.Ajmath Begam

For Respondent(s):

Mr.Avinash Wadhwani for R1 and R2



Order

The Writ Petition is filed challenging the order of the 1st respondent dated 22.02.2022, calling certain individuals for a meeting 'for appointment of administrative Committee' of the Wakf.

2. Case of the petitioner is that the Jumma Masjid Wakf is created by one Haji Ali and he gifted 6 cawnies of land in Mylapore Village and the said properties were earmarked for the purpose of maintenance of Mosque. Since there was some mismanagement in the wakf properties, a Scheme was framed by this Court in C.S.No.89 of 1910 and the Mosque was managed by the Committee consisting of 11 members, as per the Scheme decree. Some third parties interested in the Wakf, levelling various allegations against the committee members and sought for removal of the Committee. After making enquiry, the 1st respondent removed the committee member and appointed another committee members.

3. There were difference of opinion between the petitioner and the joint Muthavalli, resulting in filing of several complaints before the Wakf Board and proceedings were initiated in the writ filed by the petitioner in W.P.No.789 of 2018, wherein a direction was given to the 1st respondent to pass orders on the representation of the petitioner. In pursuance of the same, the 1st respondent



after making enquiry, ordered for direct management under Section 65(5) of the Act. The same was challenged in W.P.No.27498 of 2018, and the petitioner also challenged the order passed for removing the petitioner in W.P.No.3429 of 2018. Both writ petitions were disposed of and the petitioner was given liberty to file an appeal before the Tribunal. The petitioner has filed an appeal before the Tribunal and it was allowed holding that the Committee has no power to remove the petitioner from the post of Muthavalli. The order of the Tribunal was challenged by the respondents in CRP.Nos.1654/2020, 1655/2020 and 1577/2020 and the same is pending.

4. When the matter stood thus, the 1st respondent high-handedly extended the order of direct management without any notice or any enquiry to the petitioner. Aggrieved by the same, the petitioner is before this Court.

5. Learned counsel for the petitioner submitted that when the Civil Revision Petitions filed by them are pending, without even giving notice, the 1st respondent intended to conduct meeting under the caption ‘‘appointment of new management committee’’. The waqf is governed by a scheme and the 1st respondent has to act in accordance with the scheme decree. He failed to see that the power to appoint Muthavalli and to remove the Muthavalli is vested with the Committee, as per the Scheme Decree and as such invocation of Section 65 of Waqf Act for direct management, is illegal.



6. Learned counsel for the respondent submitted that this Court may set aside the impugned order subject to the result of the final order passed in the above said Civil Revision Petitions.

7. The admitted fact remains that Mylapore Jumma Mosque is administered by the scheme decree framed by this Court in C.S.No.89/1910 dated 22.04.1913. In case of vacancy arising in the members of the Committee, the vacancy has to be filled by the remaining members as per scheme. However, the power conferred on the management committee under the scheme cannot be taken away by the Board so long as the said scheme was not modified or altered in the manner known to law. Therefore the order passed by the 1st respondent calling for appointment of administrative committee, is incorrect and liable to be set aside.

8. In view of the above, the impugned order of the 1st respondent dated 22.02.2022, is set aside and the 1st respondent is directed not to conduct election for administrative committee or alter the scheme decree. The above said Mylapore Jumma Mosque shall be administered strictly in accordance with the scheme decree.



9. Accordingly, this writ petition is allowed. No costs. Consequently connected miscellaneous petition are closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1. The Chief executive officer No. 1,
The Tamilnadu Waqf Board
Jaffer syrang street, Vallal seethakathi Nagar,
chenani 600 001.
2. The Executive officer
Jumma Masjid, Kutchery Road, Mylapore
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