



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-02-2026

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.6593 of 2026

AND

W.M.P.No.7163 of 2026, W.M.P.No.7165 of 2026

**P.M.Doulath Basha
S/o.Abdul Majeed,
Sunnath Jamath Jamiya Masjid @
pennagaram Masjid,
Dharmapuri Main Road, Pennagaram,
Dharmapuri 636 810.**

... Petitioners

Vs.

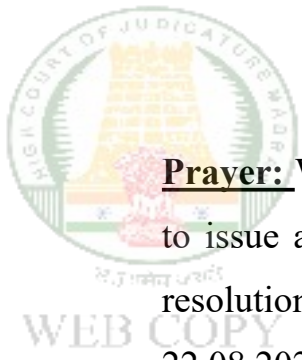
**1. The Tamil Nadu Waqf Board
Rep by its Chairman,
No.1 Jaffer Syrang Stret,
Vallal Seethakathi Nagar,
Chennai 600 001.**

**2.The Chief Executive officer
Tamil Nadu Waqf Board,
No.1 Jaffer Syrang Stret,
Vallal Seethakathi Nagar,
Chennai 600 001.**

**3.R.Mohamed Kamal Batcha
No.170 Majeed street,
Mulluvadi, Pennagaram,
Dharmapuri 636 810.**

**4.M. Mohamed Ismail,
S/o.R. Mohamaed Kamal Batcha,
No.170 Majeed Street,
Mulluvadi, Pennagaram,
Dharmapuri 636 810.**

... Respondents



Prayer: Writ Petition has been filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling upon the records of the 1st respondent in resolution item No.185/24 vide Na.Ka.No.38115/24/AA2/Dharmapuri, dated 22.08.2025 and consequential order passed by the 2nd respondent in Se.Mu.order No.38115/24/AA2/Dharmapuri, dated 31.01.2026 and thereby quash the same as illegal and unjust and pass.

For Petitioner: Mr.P.V.Balasubramaniam, Senior Counsel,
for A.Ajimath Begum

For Respondents: Mr.Mohammed Fayaz Ali,
for R1 & R2

ORDER

The writ petition is filed challenging the impugned Resolution item No.185/24 dated 22.08.2025 and the consequential proceedings dated 31.01.2026.

2. By Resolution dated 22.08.2025, the respondents 3 and 4 were appointed as the Hereditary Mutawalli and the 4th respondent was appointed as Joint Hereditary Mutawalli.

3. Upon hearing the Learned Senior Counsel for the petitioner and perusing the material records of the case, the grievance of the petitioner is that the Waqf was established both by the contributions of the inamdars and also the jamathars. As per the proforma, the rule of succession is hereditary as per the



custom and usage. As per the custom, even at the time of successions, it was found that there are 250 Muslim families in the village and almost all of them are descendants of the original inamdars. In that view of the matter, as per custom, periodically Mutawallis have been selected by the jamathars. While so, for the first time, the respondents 3 and 4 are recognised as Hereditary Mutawalli. The same goes directly against the proforma. Even the impugned resolution of the Waqf Board itself recognises the earlier customs and usage that only the jamathars selected the Mutawalli. Therefore, the impugned orders are liable to be interfered with by this Court.

4. When the matter came up for admission, Mr.Mohammed Fayaz Ali, Learned Counsel taking notice on behalf the 1st and 2nd respondents, would submit that the question that is to be decided in this case is that what is the rule of succession of the office of the Mutawalli. Column No.9 categorically says that it is hereditary, as per the custom and usage. Going by the same, the resolution has been passed and the respondents 3 and 4 have been duly selected. If the petitioner is aggrieved by the order of the Waqf Board, they are entitled to approach the Tribunal under Section 83 of the Waqf Act, 1995 and therefore, the writ petition is not maintainable.



5. I have considered the rival submissions made on either side and perused the material records of the case.

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6. As rightly contended by the Learned Counsel appearing on behalf of the respondents 1 & 2, it will be open for the petitioner to approach the Waqf Tribunal to contend about the manner of filling up of the office of the Mutawalli, namely, whether it should be done by the Waqf Board by recognising the hereditary trustee or whether it should be the jamathars who will be selecting the Hereditary office of the Mutawalli. It is contended that all the jamathars are linear descendants of the original inamdars. Therefore, it is only the Tribunal, after recording such evidence as may be necessary, can one way or the other, decide the issue and therefore, this is not a fit case where the petitioner can be permitted to invoke this jurisdiction by not invoking the alternative remedy available to the petitioner. It is further stated that today is the first day of the holy month of Ramzan and suddenly when the petitioner whose managing the trust all along is made to part away with the Management, that would also cause impairment in the working of the jamath and the conduct of the night prayers as well as making arrangements of the breaking of the fast etc.



7. In view of the said prayer that is made, I am of the view that a breathing time can be given to the petitioner to approach the Tribunal and also to move the Tribunal for such interim relief citing the urgency with reference to the on going holy month of Ramzan. Thereafter, the parties will be governed by the orders of the Tribunal.

8. In view thereof, this Writ Petition is disposed on the following terms:

(i) The prayer made in the writ petition to quash the impugned orders cannot be entertained and the petitioner will be entitled to agitate the correctness or otherwise of the orders before the Waqf Tribunal by filing an appropriate petition under Section 83 of the Waqf Act, 1995. It will also be open for the petitioner to move such interim relief in the said petition and it is for the Waqf Tribunal to consider the same in accordance with law as expeditiously as possible.

(ii) The petitioner is granted time till 02.03.2026 to file such petition before the Waqf Tribunal. Until then, no coercive steps shall be taken against the petitioner for taking over the charge from him. After 02.03.2026, the parties will be governed only by the interim orders that may be passed by the Tribunal.



(iii) It is made clear that the prayers with reference to the following of procedures during the month of Ramzan can also made before the Tribunal and it is for the Tribunal to appropriately considered the same.

There shall be no order as to costs. Consequently, connected Miscellaneous petitions are closed.

18-02-2026

Neutral Citation:No.
bsm

To,

1.The Chairman,
Tamil Nadu Waqf Board,
No.1 Jaffer syrang Street,
Vallal Seethakathi nagar,
Chennai 600 001.

2.The Chief Executive officer
Tamil Nadu Waqf Board,
No.1 Jaffer syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.



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W.P.No.6593 of 2



D.BHARATHA CHAKRAVARTHY, J.
bsm

**WP No.6593 of 2026
AND WMP No.7163 OF 2026,
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