



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2026

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 12036 of 2026 and WMP.No.13132 of 2026

T.Sathik Basha

Petitioner(s)

Vs

1. The superintendent
Tamil nadu Waqf Board Salem District
636 302

2.The Advocate commissioner
A.Venkatesh kumar, Advocate, A3, 3rd
Floor, No 74/35, AS piran Garden, 2nd
street Kilapauk, Chennai 10
appointed by High Court in W.P.
No.20280 of 2025

Respondent(s)

PRAYER: Petition filed under Article 226 of Constitution of India, **directing the respondents to consider the petitioners representation dated 26.02.2026 and consequently ensure the inclusion of all eligible persons in the electoral rolls of the Jamia Masjid Trust without discrimination and any interference from external influences and further direct the Respondents to conduct the election Strictly in accordance with the Trust By laws and the Directions passed in W.P. no 41668 of 2025 under the direct supervision of the advocate commissioner appointed in W.p. No 20280 of 2025 within a time frame as may be fixed by this honble Court**

For Petitioner(s): Ms.K.Zeenath Shariffa

For Respondent: Mr.Avinash Wadhwani for R1

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2. This petition has been filed for a direction, directing the respondents to



consider the petitioners representation dated 26.02.2026 and consequently ensure the inclusion of all eligible persons in the electoral rolls of the Jamia Masjid Trust without discrimination and any interference from external influences and further direct the Respondents to conduct the election Strictly in accordance with the Trust By laws and the Directions passed in W.P. no 41668 of 2025 under the direct supervision of the advocate commissioner appointed in W.p. No 20280 of 2025.

3.It is the case of the petitioner that the petitioner is a Sunni Muslim residing at Suramangalam Village, Salem District and has been regularly offering prayers and participating in the religious activities of the Suramangalam Mosque, registered under Wakf named called Noorul Islam Jamia Masjid which is administered by the Salem Jamia Masjid Trust. The petitioner is a bonafide member of the mosque congregation and is actively involved in its religious and welfare activities. The Salem Jamia Masjid Trust is an enumerated Wakf published under G.S.No.227/Salem and is governed by a scheme framed by the competent civil court in OS.No.36 of 1941 dated 01.07.1969. As per the scheme, the administration of the Wakf is carried out by a Governing Body consisting of 50 members, with 10 members elected from each of the five wards. From among them, a five member Executive Committee is formed to administer the Wakf and elect the Muttawalli and Naib Mutawali.



4. The petitioner has been continuously participating in the affairs of the mosque and has been contributing to the mosque by paying the monthly shanda subscription. The petitioner was also selected as a member of Ramadan Committee pursuant to the proceedings of the CEO of Tamil Nadu Waqf Board dated 26.07.2011. As per the bye-laws governing the Trust, any qualified member having voting right is entitled to contest the election for the administration of the mosque. The petitioner fulfils the required qualification and is eligible to contest in the elections. It is the grievance of the petitioner when the petitioner approached the Superintendent of Wakf on 26.02.2026 seeking application for participating in the election, the same was refused, hence, the petitioner submitted a representation on 26.02.2026 for participating in the election process, but no action has been taken so far. Hence, the petitioner has filed this petition for a direction to conduct the election strictly in accordance with the by-law and under the supervision of Advocate Commissioner appointed by this Court in WP.No.20280 of 2025 and in terms of the order made in WP.41668 of 2025.

5. The learned counsel for the Waqf Board submitted that this Court vide order dated 09.09.2025 in WP.No.20280 of 2025 had appointed Advocate Commissioner for conducting election of the Jamia Masjid Trust (G.S.No.227) and series of directions were issued in WP.No.41668 of 2028 vide order dated 04.02.2026 in furtherance of conducting elections. This Court vide order dated



04.02.2026 has directed that on 26.02.2026, draft list be published on the notice board or in any other prominent place in all the respective 19 masjids, and any objection or claim for inclusion or deletion may be made before 05.03.2026 by addressing a representation to the Superintendent of Wakfs, which shall be decided and placed before the Advocate Commissioner, who will then approve or reject the decision. Admittedly, the petitioner has given his objection, the Superintendent of Wakf has considered the objection of the petitioner and the same is forwarded to the Advocate Commissioner, now, the Advocate Commissioner has to take decision. The process enumerated and directed by this Court is at the verge of completion and the notification of the election of members for each of the masjids will be published on or before 11.04.2026.

6. Heard both sides and perused the materials placed on record. This Court perused the earlier orders passed by this Court in WP.No.20280 of 2025 and WP.No.41668 of 2025. WP.No.20280 of 2025 has been filed challenging the resolution of the Wakf Board ordering taking over of the direct management of the wakf namely Salem Jamia Masjid Trust. This Court for conducting of election had appointed Advocate Commissioner vide order dated 09.09.2025, thereafter, a communication was issued to the wakf directed for handing over of the charge, therefore, WP.No.41668 of 2025 was filed before this Court. This Court vide detailed order dated 04.02.2026 disposed of the writ petition with a series of directions for conducting the election smoothly. The relevant portions



of the order dated 04.02.2026 reads as follows:-

“ 25. Therefore, the first step in the normal course would be to amend the scheme. However, today the wakf board itself is restrained from carrying out its functions. Therefore, pending the amendment of the scheme, by invoking the doctrine of necessity and considering that the decree has been deviated even in the year 2014, only to include all the followers of the religion residing within Salem city, the present election can proceed in the manner indicated herein:

(A) The Superintendent of Wakfs, Salem, shall file a memo before the Wakf Board, along with a copy of the order, praying for suitable modifications to the Scheme framed for the Wakf.

(B) Upon filing of such memo, the Wakf Board shall cause notice to be given to the persons in management of the Wakf to file such response, and shall permit every person interested in the Wakf to make prayers and suggestions with reference to the amendment of the scheme. After due hearing of all the parties, the Wakf Board shall consider and amend the scheme in accordance with law.

(C) In the meanwhile, as stated supra, since the wakf board itself is not functional, as in the last elections for the years 2014~15, the total strength of the governing body shall be 150.

(D) On or before 15/02/2026, the Superintendent of Wakfs, Salem, shall issue a communication to all the 19 masjids, requesting the eligible voters□ list based on the subscriptions received by them;

(E) Upon receipt of the communication on or before 25/02/2026, each of the masjids shall prepare the eligible list of voters as per their subscription and send it to the Superintendent of Wakfs.

(F) Upon receipt of the list, the Superintendent of Wakfs may furnish a copy to the Advocate Commissioner.

(G) On 26/02/2026, the draft lists will be published on the notice board or in any other prominent place in all the respective 19 masjids, and any objections or claims for inclusion or deletion may be made before 05/03/2026 by addressing a representation to the Superintendent of Wakfs;

(H) The same shall thereafter be decided by the Superintendent of Wakfs, and his decision shall be placed before the Advocate Commissioner, who will then approve or reject the decision as the case may be;

(I) The decisions on the claims shall be made on or before 15/03/2026, and a final list of voters shall be communicated to the



respective masjids, which will again be displayed on the notice board or at such a prominent place from 16/03/2026;

(J) Based on the final number of voters, the Superintendent of Wakfs shall determine proportionately, on or before 21/03/2026, the number of governing body members to be elected by each of the masjids and place it before the Advocate Commissioner.

(K) Thereafter, as per convenience, the Advocate Commissioner shall notify the election of members for each of the masjids. The notification shall include the timetable for filing nominations, scrutiny of nominations, publication of the final list of contestants (if there is a contest), and the date for polling. The process shall be completed on or before 20/04/2026.

(L) The list of elected governing body members shall be published on or before 25/04/2026, and thereafter, a date for the meeting of the governing body shall be fixed, which shall be on or before 05/05/2026;

(M) On the date of the meeting, the Governing Body shall elect a 30~member executive committee, and the same shall be notified on or before 10/05/2026;

(N) The Advocate Commissioner shall thereafter fix the date of the meeting of the Executive Committee, which shall be on or before 20/05/2026, and the 30 members will elect a Muthawalli, Naib Muthawalli, Secretary, Joint Secretary and a Treasurer among themselves;

(O) The Advocate Commissioner shall declare such election and notify it on or before 30/05/2026;

(P) The results and the new committee shall be placed before the Chief Administrative Officer on or before 05/06/2026, and the Chief Administrative Officer shall issue orders entrusting the management of the wakf to the new governing body and the Executive Committee, and the period of three years shall be clearly mentioned;

(Q) The Superintendent of Wakfs shall be entitled to incur all expenses related to the election, including printing of ballots and other arrangements, from the funds of the wakf, and shall keep the expenses to a minimum and submit the accounts before the Chief Administrative Officer.

(R) The amount shall also include the travel, food, and other expenses of the Advocate Commissioner incurred for the purpose.

(S) The above~mentioned schedule is tentative, and the parties need not move the Court if there is any change up to 15 days before or after.



(T) The Court will finally determine the additional remuneration, as the Advocate Commissioner has to work for a long number of days.

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26. Thus, with the above detailed directions, the elections can proceed, and the same Advocate Commissioner shall continue to complete the task.”

7. It is submitted by the learned counsel for the Waqf Board that as per the direction of this Court, election process is being carried on strictly by the Waqf Board. The petitioner's objection is considered and the same is forwarded to the Advocate Commissioner, the Advocate Commissioner will take a decision and the notification of the election of members of each of the masjids will be notified on or before 11.04.2026. In such view of the matter, this Court is of the view that when the election process is at the verge of notifying the notification for election of members, that cannot be put to standstill, as submitted by the learned counsel for the Wakf Board, let the petitioner's objection be considered and decided and the notification be notified on or before 11.04.2026.

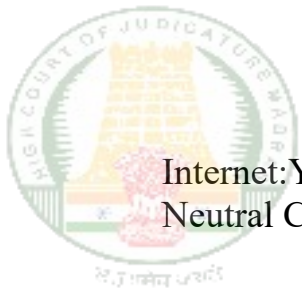
8. Recording the submissions of the learned counsel for the Wakf Board and in view of the above, I find no merits in this writ petition and this writ petition stands accordingly, dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

01-04-2026

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Index:Yes/No

Speaking/Non-speaking order



Internet: Yes

Neutral Citation: Yes/No

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WP No. 12036 of 2026





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To

1. The superintendent
Tamil nadu Waqf Board Salem District
636 302



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M.DHANDAPANI J.

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