



Cont P(MD).No.1866 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 07.08.2026

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

CONT.P(MD)No.1866 of 2026

and

SUB A(MD) No.215 of 2026

Moulana Mohammed

... Petitioner/3rd party

- Vs-

1. Aftab Rasool I.A.S.,
Tamil Nadu Waqf Board
Rep. by its Chief Executive Officer
Door No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai.
2. Navas Kani
Chairman,
Tamil Nadu Waqf Board,
Door No.1, Jaffer Syrang Street
Vallal Seethakathi Nagar,
Chennai.
3. Kadher Sheriff,
Superintendent of Waqfs
No.1, Town Hall Road,
Mosque Building 2nd Floor,
Madurai 625001.
4. The Inspector of Police,
Dindigul Town,
South Police Station,



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Dindigul District.

5. Sowbana Jasmin

D/o.Kadarbasha,

No.33/1, MKS Nagar, Opposite Indane Gas Office,

Begampur, Pallapatti,

Dindigul District,

Tamil Nadu – 624 002.

... Contemnors

(R4 is suomotu impleaded as per the Court order dated 31.07.2026 in Cont.P(MD).No.1866 of 2026)

(R5 is suomotu impleaded as per the Court order dated 07.08.2026 in Cont P(MD).No.1866 of 2026)

PRAYER: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, to punish the contemnors/respondents herein for the deliberate and willful disobedience in implementation of the order made in WP(MD).No.14302 of 2023 dated 12.09.2023.

For Petitioner : Mr.A.Rajarajan

For Respondent : Mr.D.S.Haroon Rasheed
(For R1 to R2)

Mr.I.Murugesan
Government Advocate (Crl.Side)
(R4)

Mr.A.Rajamohamed
(For R5)



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ORDER

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This petition has been filed to punish the Contemnors/ respondent for wilful disobedience of the order of this Court made in W.P. (MD) No.14302 of 2023 dated 12.09.2023.

2. This Court suo-motu impleads Sowbana Jasmin D/o.Kadarbasha, No.33/1, MKS Nagar, Opposite Indane Gas Office, Begampur, Pallapatti, Dindigul District, Tamil Nadu – 624 002, as the fifth respondent.

3. This Court had already directed respondents 1 to 3/Waqf Board to conduct the selection process and complete the same and the selection process shall be conducted in a transparent manner. However, this Court had permitted the respondents to complete the Kaburstan construction but restraining from putting up any other commercial building. It is now submitted that, pursuant to the said direction, the selection process was conducted and a new committee was constituted. The same was put to challenge, and subsequently, an order was passed cancelling the said committee. As on date, there is no committee in existence. In spite of the



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same, the earlier committee had granted a lease in favour of certain persons, who, in turn, had put up commercial construction. The present contempt petition has been filed alleging that, despite the direction of this Court not to put up any commercial construction, commercial construction is now being carried out.

4. The learned counsel appearing for the fifth respondent submitted that the fifth respondent had put up the construction based on the lease granted by the earlier committee. But, this Court is of the considered opinion that, when there is no committee in existence, the lease granted by the alleged new committee also cannot be sustained. Consequently, the lease granted in favour of the fifth respondent cannot be said to be legally subsisting. Hence, the fifth respondent cannot put up any commercial construction.

5. This Court had directed respondents 1 to 4 to stop the construction forthwith. It is now reported that the construction has been stopped.



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6. The Waqf Board is directed to keep the portion covered by the alleged lease under lock and key. After the constitution of the new committee, in accordance with the order passed by the learned Mr. Justice K. Kumaresh Babu, the newly constituted committee shall act in accordance with the applicable rules and regulations.

7. In the event that the lease granted in favour of the fifth respondent is considered by the newly constituted committee, the committee shall take appropriate action in accordance with the rules and regulations. The Waqf Board is directed to seek police protection, if necessary.

8. In view of the above, the Contempt Petition is closed.

07.08.2026

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
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