



W.P.(MD) No.22851 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2026

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.22851 of 2026

M.Shajahan

... Petitioner

Vs.

1.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Backside Sunga Illam,
Chennai - 600001.

2.P.Liyakath Ali

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the first respondent to defer inquiry proceedings initiated *vide* his Letter Roc.No.15957/2000/A8/ Madurai, dated 07.07.2026 under the Wakf Act, 1995, pertaining to Melur Mohaideen Andavar Periya Pallivasal Wakf, at Melur Town, Madurai District till the disposal of the pending cases before the Tamil Nadu Wakf Tribunal in O.A.No.69 of 2025 and O.A.No.30 of 2026 for other reliefs.

For Petitioner : Mr.J.Lawrence

For R1 : Mr.D.S.Haroon Rasheed
Standing Counsel



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ORDER

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The petitioner has filed this Writ Petition seeking issuance of a Writ of Mandamus directing the first respondent to defer the inquiry proceedings initiated by him, calling upon the petitioner to appear before the Board on 15.07.2026, *vide* Notice dated 07.07.2026 bearing reference Na.Ka.No.15957/2000/A8/Madurai, in respect of Melur Mohaideen Andavar Periya Pallivasal Wakf at Melur Town, Madurai District, until the disposal of the pending cases before the Tamil Nadu Wakf Tribunal in O.A.No.69 of 2025 and O.A.No.30 of 2026.

2. This is the second round of litigation before this Court. The petitioner had earlier filed W.P.(MD) No.22312 of 2025, wherein the petitioner had sought for a direction to the respondents therein, namely, the Tamil Nadu Waqf Board, the Chief Executive Officer, Tamil Nadu Waqf Board and the Superintendent of Waqf-cum-Election Officer, Madurai Region, to hand over the administration and management of Mohaideen Andavar Periya Pallivasal Waqf, Melur, Madurai District, to the newly elected Executive Committee Members, immediately, by considering the representation dated 05.07.2025.



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3. An order dated 24.10.2025 came to be passed by the learned Single Judge of this Court in the said Writ Petition, holding that the election had already been conducted by the Wakf Board and therefore, the elected body could not be denied the administration and management.

4. Aggrieved by the aforesaid order passed in favour of the petitioner, the sixth respondent in the said Writ Petition, namely, the second respondent in the present Writ Petition, P.Liyakath Ali, filed a Writ Appeal before the Hon'ble Division Bench of this Court in W.A(MD) No.3243 of 2025. By order dated 05.01.2026 in the said Writ Appeal, the Hon'ble Division Bench has ordered as under:

“4. Learned Counsel appearing for the Wakf Board submitted that pursuant to the order passed by the learned Single Judge, the Wakf Board has declared the results of the election. The committee appointed for direct administration was dissolved and proceedings issued on 05.01.2026, nominating 12 members for the committee for the period from 28.06.2025 to 27.06.2028, on condition that if any of the members found to be encroacher of the Wakf property, they will be disqualified. The Counsel also submits that the enquiry regarding alleged encroachment has commenced and likely to be completed within a period of two [2] months, if all the parties cooperate. The notice issued for enquiry is annexed in the typed set of papers in the appeal at page nos.54 & 56.



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5. Considering these facts, we are of the view that the Writ Appeal has to be disposed of with a direction to the Wakf Board to complete the enquiry regarding alleged encroachment within a period of two [2] months and thereafter, to act upon as per the proceedings dated 05.01.2026, wherein the constitution of the elected board been recognised with caveat that if any member is found to be an encroacher his nomination will be cancelled.

6. With these observations, this Writ Appeal stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.”

5. Since the aforesaid order was apparently not complied with, the second respondent, the said P.Liyakath Ali, had also filed a Contempt Petition in Cont.P.(MD) No.1755 of 2026. In the background of these orders, the proceedings have been initiated against the petitioner for the alleged encroachment upon the Wakf property.

6. The case of the petitioner appears to be that O.A.No.69 of 2025 and O.A.No.30 of 2026 were instituted at the behest of the second respondent, the said P.Liyakath Ali. In these two proceedings, the second respondent has not only challenged the Election Notification but also the results subsequently declared recognising the elected body.



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7. The contention of the petitioner that pending disposal of the aforesaid two Original Applications in O.A.No.69 of 2025 and O.A.No.30 of 2026, the inquiry proceedings should be deferred cannot be countenanced. In view of the same, this Writ Petition is liable to be dismissed, with a direction to the petitioner to participate in the inquiry proceedings before the first respondent-Wakf Board. It is open to the petitioner to substantiate her case in the inquiry proceedings with regard to the alleged encroachment by the petitioner upon the Wakf property. While passing orders, the first respondent-Wakf Board may also consider the representation submitted by the petitioner. It is made clear that the first respondent-Wakf Board shall pass appropriate orders after affording an opportunity of hearing to the petitioner.

8. With the above directions, this Writ Petition is dismissed. There shall be no order as to costs.

11.08.2026

JEN

NCC : Yes / No

Index : Yes / No

To

The Chief Executive Officer,
Tamil Nadu Wakf Board, No.1,
Jaffer Syrang Street, Vallal Seethakathi Nagar,
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C.SARAVANAN, J.

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