



W.P.No.3479 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 8.2.2023

CORAM

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

**W.P.No.3479 of 2023**  
**and W.M.P.No.3538 of 2023**

M/s.Arcot Sabith Alisha Makkan  
Residence Welfare Association  
Registration No.29/2022 Rep. by its  
President N.Mubarak, No.55 Second Street,  
Sabith Alisha Nagar, Chennai-Banglore  
ByePass Road, Arcot, Ranipet District. ... Petitioner

Vs.

- 1 The Chairman,  
Tamil Nadu Wakf Board, No.1, Jaffar Syrang  
Street, Vallal Seethakathi Nagar, Chennai- 600 001.
- 2 The Principal Secretary,  
Tamil Nadu Wakf Board, No.1, Jaffar Syrang  
Street, Vallal Seethakathi Nagar, Chennai- 600 001.
- 3 The District Superintendent,  
Vellore District-tamil Nadu Wakf Board, No.8,  
Mosque Compound, Arani Road, Sainathapuram,  
Vellore-632 001.
- 4 Syed Muneer,  
Shabid Alisa Makkan, Wakf Vellore.
- 5 Janab S.P.Syed Aslam Basha  
Muthavalli, Shabid Alisha Makkan Wakf,  
Vellore.
- 6 Najab.Mahboob Basha,  
Joint Muthavalli, Shabid Alisha Makkan Wakf,  
Vellore. ... Respondents



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**Prayer:** The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari Mandamus, calling for the records of the 2nd respondent dated 22.12.2021 comprising letter No. Se.Mu. Order. 5870/90/AA7/ Va and quash the same and consequently direct the respondents 1 to 3 to recognize the members of the petitioner Association with the respondents 1 and 3 of Sabith Alisha Makkan as tenants in the Wakf Board property at Sabith Alisha Nagar Chennai-Bangaluru Bye Pass Road Arcot, Ranipet District.

For Petitioner : Mr.G.V.Sridharan  
For Respondents 1 to 3 : Mr.Haja Mohideen Gisthi  
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### **O R D E R**

Challenging the impugned order dated 22.12.2021 appointing the fourth and fifth respondents as Muthavalli and Joint Muthavalli by the Wakf Board, the petitioner has filed the instant writ petition.

2. The grievance of the petitioner is that the members of the petitioner Association are in possession of the Wakf property and they have paid huge amount to the fourth respondent for possession, however, they were not recognised as tenants. Wakf Board appointed the fifth and sixth respondents as Muthavalli. Since the members of the petitioner Association were not recognised as tenants, the impugned order passed by the Wakf Board is liable to be set aside.

3 Mr.Haja Mohideen Gisthi, Counsel takes notice for the respondents 1 to 3.



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4 The writ petition is nothing but an abuse of process of law. The petitioner is not a aggrieved party of the order impugned in the writ petition. The impugned order dated 22.12.2021 is nominating the respondents 5 and 6 as Muthavalli. According to the counsel appearing for the respondents 1 to 3, the order is already acted upon. If really, the petitioner is aggrieved by such order, remedy available to the petitioner under Sec.64 (6) of the Wakf Act to approach the Wakf Tribunal. When the order passed appointing some persons as Muthavalli, merely on the basis of possession, the petitioner has no locus standi to challenge the said order.

5 Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

8.2.2023

Neutral Citation: Yes/No  
Speaking/Non Speaking order  
Index: Yes/No  
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To

- 1 The Chairman,  
Tamil Nadu Wakf Board, No.1, Jaffar Syrang Street,  
Vallal Seethakathi Nagar, Chennai- 600 001.
- 2 The Principal Secretary,  
Tamil Nadu Wakf Board, No.1, Jaffar Syrang Street,  
Vallal Seethakathi Nagar, Chennai- 600 001.
- 3 The District Superintendent,  
Vellore District-tamil Nadu Wakf Board, No.8, Mosque Compound,  
Arani Road, Sainathapuram, Vellore-632 001.



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**N.SATHISH KUMAR, J.**

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