



W.P.No.3211 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.10.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.3211 of 2021
and W.M.P.Nos.22347 and 3641 of 2021**

Dilshad Begum

... Petitioners

Vs.

1.Tamil Nadu Waqf Board,
Represented by its Chairman,
No.1, Jafar Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.

2.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jafar Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.

3.The Superintendent of Waqf,
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.



W.P.No.3211 of 2021

WEB COPY

4.The Revenue Divisional Officer
South Chennai,
Guindy, Chennai.

5.K.P.Ismath Basha

6.Balquees Begum

7.Fathima Begum

8.Rasheeda Begum

9.Shameem

10.Naseema

11.Praveen Begum

12.B.Saleem

.....Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Prohibition, prohibiting the respondents 1 to 3 and their subordinates from appointing the respondent No.12 as Joint Muthavalli in M/s.Asar-e-Shariff Wakf situated at No.18, Wallajah Big Mosque Lane, Mount Road, Chennai-600 002.



W.P.No.3211 of 2021

WEB COPY

For Petitioner : Mr.A.Ilaya Perumal

For Respondents : Mr.Haja Mohideen Gishta
for R1 to R3
Mr.U.Baranidharan
Additional Government Pleader
for R4
Mr.I.Kowser Nissan for R5
Mr.Y.Kaja Navas for R12
R6 to R11-No appearance

ORDER

This Writ Petition has been filed to prohibit the respondents 1 to 3 and their subordinates from appointing the respondent No.12 as Joint Muthavalli in M/s.Asar-e-Shariff Wakf situated at No.18, Wallajah Big Mosque Lane, Mount Road, Chennai.

2. The learned counsel appearing for the petitioner submits that the Tamil Nadu Wakf Tribunal, vide its judgment and decree dated 24.12.2019 in A.A.No.15 of 2019, has recognized the petitioner as a sole hereditary Muthuvalli for the aforementioned Wakf. Aggrieved by the same, the respondents 6 to 11 have preferred Civil Revision



W.P.No.3211 of 2021

WEB COPY

Petition Nos.179 and 318 of 2020, which are pending and no interim stay has been granted. Since the petitioner has been recognized as a sole hereditary Muthuvalli for the aforesaid Wakf, the Wakf Board cannot hold election for the subject Wakf. Despite the judgment and decree passed by the Wakf Tribunal on 24.12.2019 having attained finality, the Tamil Nadu Wakf Board is attempting to hold election to consider the case of the petitioner's sisters who are the respondents 6 to 11 to be appointed as Joint Muthavallis.

3. Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the respondents 1 to 3, the learned Additional Government Pleader appearing for the respondent No.4, the learned counsel appearing for the respondent No.5 and the learned counsel appearing for the respondent No.12.

4. The present writ petition has been filed by the petitioner mainly on the ground that when the petitioner is recognized as sole Hereditary



W.P.No.3211 of 2021

WEB COPY

Muthuvalli for the aforesaid Wakf, the Wakf Board cannot hold election to consider the case of the petitioner's sisters who are the respondents 6 to 11 to be appointed as Joint Muthvallis. However, the appointment of the petitioner and handing over the possession of the properties of the Wakf to the petitioner itself has been challenged by the respondents 6 to 11 before this Court in W.P.No.13739 of 2020 and C.R.P.Nos.179 and 318 of 2020 and the said Writ Petition has also been disposed of by observing that when the subject issue is pending before this Court in C.R.P.Nos.179 and 318 of 2020 and without the same reaching finality, no affirmative order can be passed in the writ petition. Therefore, this Court is inclined to dispose of this writ petition by observing that the interim order of injunction granted by this Court on 17.02.2021 is made absolute and is subject to the result of C.R.P.Nos.179 and 318 of 2020.



W.P.No.3211 of 2021

WEB COPY

5. Accordingly, this Writ Petition is disposed of with the aforesaid observations. There shall be no order as to costs. Connected miscellaneous petitions are closed.

03.10.2024
(2/3)

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To

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No.1, Jafar Syrang Street,
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Chennai-600 001.
2. The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jafar Syrang Street,
Vallal Seethakathi Nagar,
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W.P.No.3211 of 2021

WEB COPY

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WEB COPY



W.P.No.3211 of 2021

M.DHANDAPANI, J.

ssb

W.P.No.3211 of 2021

**03.10.2024
(2/3)**