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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.30925 of 2024
and WMP.Nos.33507 to 33509 of 2024

Syed Rahmathullah

... Petitioner

Vs.

1. The Tamil Nadu Waqf Board,
Rep. By its Chairman,
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-1.

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

3. The Waqf Superintendent,
Vellore Zone,
Arani Road, Sainathapuram,
Vellore.

4. Syed Usman
5. R.Syed Inayathullah

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records of the second respondent vide proceedings dated 18.12.2023 in Proceedings



No.1394/09/B7/Vellore and quash the same.

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For Petitioners : Mr.G.Sankaran, Sr.C.

For Respondents : Mr.Mohammed Fayaz Ali
RR1 to 3

ORDER

The writ petition has been filed seeking to quash the order of the second respondent dated 18.12.2023 in Proceedings No.1394/09/B7/Vellore.

2. The case of the petitioner is that the Hazarath Syed Sha Meeran Vali Khaderi Dargha, Masjid and Burial Ground is a surveyed and notified wakf assigned with G.S.No.682/NA. On 02.11.1998, the rule of succession to the office of muthawalli is settled on 21.01.2021, the Chief Executive Officer of the Tamil Nadu Wakf Board were appointed as the Muthawalli and joint Muthawalli to the petitioner Wakf vide proceedings dated 02.03.2022. The petitioner is continuing in the Muthawalliship even as on date.

3. The grievance of the petitioner is that he and the 4th respondent have been appointed as Muthawalli and joint muthawalli to the petitioner Wakf. However, even according to the petitioner, for the irregularities committed by



the 4th respondent, he was removed from the Muthawalliship on the petitioner wakf.

4. The grievance of the petitioner appears to be that after removal from the muthawalliship, the 4th respondent along with the 5th respondent have jointly submitted representations after representations to the respondents 1 to 4 seeking to appoint them as Muthawalli. It is also the further grievance of the petitioner that the 4th and 5th respondents are ineligible to be appointed as Muthawallis'. However, the 4th respondent has already committed certain irregularities. While so, the petitioner contended that based on the representation made by the 4th and 5th respondents, an enquiry sought to be conducted by the first respondent Tamil Nadu Wakf Board as could be evident from the impugned order dated 18.12.2023 of the second respondent. According to the petitioner, when he is the Muthawalli of the petitioner wakf, conducting an enquiry on the basis of the representations received from the 4th and 5th respondents is perse not warranted. Therefore, the petitioner has come forward with this writ petition.

5. Heard the learned counsel for the petitioner as well as the learned



Standing counsel appearing for the respondent and perused the materials placed on record.

6. At the outset, it must be stated that what is assailed in this writ petition is only a notice of enquiry conducted by the first respondent.

7. By the impugned order passed by the second respondent, no prejudice will be caused to the petitioner, even pursuant to the impugned order, the petitioner continues to be the Muthawalli of the petitioner Wakf. By virtue of the impugned order, the second respondent only observed that as per Section 32(ii)(g) of the Wakf Act, the first respondent Board alone is competent to decide as to who can be appointed as Muthawalli. Therefore, based on the representation made by the 4th and 5th respondents, the second respondent only directed the matter to be placed before the first respondent for conducting enquiry.

8. It is needless to mention that as and when such an enquiry is conducted, the petitioner, who is the present Muthawalli of the petitioner wakf, will also be heard and adequate opportunity will be given to him to



putforth his submission.

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9. In such view of the matter, interference of this Court is not warranted as against the impugned order passed by the first respondent. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No

Speaking order / Non speaking order

Netrual Citation Case : Yes / No

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