



WEB COPY



W.P.No.32898 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.11.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.32898 of 2024

S.Syed Booran

...Petitioner

Vs.

The Tamil Nadu Wakf Board
Rep. By its Chief Executive Officer
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-1

..Respondent

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 respondent vide proceedings dated 3/6/22 in Se.Mu.Order 6751/06/B10/Cuddalore in so far as restricting the tenure for a period of three years and quash the same.

For Petitioner	: M/s.I.Kowser Nissar
For Respondent	: Mr.Avinash Standing Counsel for Wakf

ORDER

Mr.Avinash, learned Standing Counsel for Wakf takes notice for the respondent.

1/4



WEB COPY

2. Aggrieved by the order passed by the respondent appointing the petitioner as an hereditary Muthawalli for the subject wakf “Five Gori Dargah Thaikka Wakf” for a period of three years from 01.06.2022 to 31.05.2025, the petitioner has come before this Court.

3. It is the case of the petitioner that as per the proforma of the wakf, the nature of the muthawalliship of the subject wakf is hereditary. Originally, the petitioner's grandfather acted as hereditary Muthawalli. After his death, the respondent recognised the petitioner as hereditary Muthawalli of the subject wakf by impugned order dated 03.06.2022. Unfortunately, at the time of recognizing the petitioner as hereditary Muthawalli, the term of office was restricted. Aggrieved by the same, the petitioner has come before this Court.

4. The learned counsel for the petitioner submits that having recognized the petitioner as hereditary Muthawalli of the wakf, the respondent ought not to have restricted the term of office to three years.



W.P.No.32898 of 2024.

WEB COPY

5. Heard the learned counsel for the petitioner and the learned Standing Counsel (Wakf) for the respondent.

6. Once the petitioner is recognised as hereditary Muthawalli of the subject wakf, the respondent is not entitled to restrict the term of office for the hereditary Muthawalli. The hereditary Muthawalli is entitled to act as such for life, unless suffered a disqualification under the provisions of Wakf Act. In these circumstances, the impugned order passed by the respondent restricting the term of petitioner's office for three years is unsustainable in law. Accordingly, the writ petition stands allowed. The impugned order passed by the respondent is set aside to the extent it restricts term of office to three years. It is made clear that petitioner is entitled to hold office for life unless disqualified by any one of the provisions of the law. No costs.

12.11.2024

(1/2)

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
nr

3/4



WEB COPY



W.P.No.32898 of 2024.

S.SOUNTHAR, J.

nr

To
The Tamil Nadu Wakf Board
Rep. By its Chief Executive Officer
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-1

W.P No.32898 of 2024

12.11.2024