



W.P.(MD) Nos.23656 & 23657 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) Nos.23656 & 23657 of 2024

and

W.M.P.(MD) Nos.20031, 20033, 20044 and 20045 of 2024

Haji A.G.Syed Mohideen

... Petitioner in both W.Ps.,

/vs./

- 1.The Tamil Nadu Waqf Board,
rep by its Chief Executive Officer,
No.1, Jaffar Syrang Street,
Vallal Seethakatih Nagar,
Chennai.
- 2.The Superintendent,
The Tamil Nadu Waqf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakatih Nagar,
Chennai.
- 3.The Superintendent of Waqf,
Tirunelveli Division,
Khader Owlia Pallivasal Complex,
Palayamkottai, Kula Vanikarpuram,
Tirunelveli District.



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4.The Inspector of Waqf,
Tirunelveli Division,
Khader Owlia Pallivasal Complex,
Palayamkottai, Kula Vanikarpuram,
Tirunelveli District.

5.Moulavi M.A.Mohammed Yousuf

6.V.S.Kamarudeen

... Respondents in both W.Ps.,

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to impugned resolution No.7, Inam No.50/24 in Na.Ka.No. 18139/22/A1/Thi.Veli dated 13.02.2024 of the respondents 1 and 2 respectively herein and quash the same in respect of petitioner alone and consequently direct the respondents 1 to 4 herein to approve the Muttawalli of petitioner herein for the period commencing from 10.11.2022 to 09.11.2025.

For Petitioner
in both W.Ps., : Mr.T.Pon Ramkumar
For R1 to R4
in both W.Ps., : Mr.K.Jeyamohan
Standing Counsel

COMMON ORDER

The challenge in this writ petition is to the resolution No.7, Inam No.50/24 in Na.Ka.No.18139/22/A1/Thi.Veli dated 13.02.2024 of the respondents 1 and 2 respectively herein in respect of petitioner alone and to direct the respondents 1 to



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4 herein to approve the Muttawalliship of petitioner herein for the period commencing from 10.11.2022 to 09.11.2025.

2. The contention of the petitioner is that the order impugned is not traceable to any of the provisions of the Waqf Act, 1995. He would submit that the petitioner has been appointed as trustee and without proper notice to him, the proceedings have been made. However, countering his submissions, the learned counsel appearing on behalf of the Wakf Board would contend that the proceeding is in the nature of proceedings under Section 64 of the Act and therefore, if the petitioner submits the explanation to the same, it would be considered in accordance with law and thereafter the orders passed.

3. I have perused the materials available on record.

4. The impugned order had been made along with two other Wakfs by commonly deciding the alleged infirmities by the Wakf Board. I am of the view that such a procedure cannot be adopted by the Wakf Board. Section 64 of the Waqf Act, 1995, clearly indicates that if the Board is of the opinion that there has



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been some mismanagement of the Wakf property, then it is open to the Wakf Board to take appropriate proceeding under Section 64 of the Act. Under the impugned order, the Wakf Board had jointly dealt with three Wakfs which in the view of this Court would not satisfy the notice that has to be issued under Section 64 of the Act.

5. In such view of the matter, the impugned order with respect to the petitioner shall stand quashed. However, the second respondent is at liberty to initiate appropriate action as provided under Section 64 of the Act in accordance with law and proceed thereafter after providing an opportunity of hearing to the petitioner.

6. With the aforesaid directions, these Writ Petitions stand allowed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
Internet : Yes / No

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K.KUMARESH BABU, J.

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