



W.P.(MD) No.27308 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.(MD) No.27308 of 2024
and
W.M.P.(MD) Nos.23136 and 23137 of 2024**

1.M.Shajahan

2.K.Ourangazeeb yoosuf

... Petitioners

/vs./

- 1.The Chairman,
Tamil Nadu Waqf Board,
No.1, Jaffer Sirang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.
- 2.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffer Sirang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.
- 3.The Superintendent of Waqf,
K.A.P.Shopping Complex,
51/80, Trivandrum Road,
Palayamkottai, Tirunelveli -2.



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4.The Waqf Inspector,
K.A.P.Shopping Complex,
51/80, Trivandrum Road,
Palayamkottai, Tirunelveli -2.

5.Malick Dinar Baithulmal,
rep. by its President,
S.Sugarno

6.S.Mohammed Rafi

7.Y.Mohammed Jawahar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records of the Notice No.58, dated 27.09.2024 issued by the 6th respondent, quash the same.

For Petitioners : Mr.C.T.Perumal

For R1 to R3 : Mr.D.S.Haroon Rasheed

For R5 to R7 : Mr.A.Haja Mohideen

ORDER

The challenge in this writ petition is to the notice issued by the sixth respondent.



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2. The Hon'ble Apex Court in the case of ***Board of Wakf, West Bengal and another Vs. Anis Fatma Begum and another*** reported in ***(2010) 14 Supreme Court Cases 588*** had held that all disputes, which relates to the Wakf, cannot be straight away agitated under Article 226 of the Constitution of India and the same could only be agitated before the Wakf Tribunal constituted under Section 83 of the Wakf Act, 1995. For the better appreciation, the relevant paragraph is extracted herein below:

“7. The dispute in the present case relates to a Wakf. In our opinion, all matters pertaining to Wakfs should be filed in the first instance before the Wakf Tribunal constituted under [Section 83](#) of the Wakf Act, 1995 and should not be entertained by the Civil Court or by the High Court straightaway under [Article 226](#) of the Constitution of India. It may be mentioned that the [Wakf Act, 1995](#) is a recent parliamentary statute which has constituted a special Tribunal for deciding disputes relating to Wakfs. The obvious purpose of constituting such a Tribunal was that a lot of cases relating to Wakfs were being filed in the courts in India and they were occupying a lot of time of all the Courts in the country, which resulted in increase in



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pendency of cases in the Courts. Hence, a special Tribunal has been constituted for deciding such matters.”

3. In view of the categorical pronouncement of the Hon'ble Supreme Court, the Writ Petition stands disposed of with liberty to the petitioner to approach the Wakf Tribunal under Section 83 of the Wakf Act, 1995. 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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