



WEB COPY



W.P.No.4827 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.4827 of 2025
and
WMP.No.5347 of 2025

- 1.Syed Fazal Basha
- 2.Syed Sadiq Basha

Both 1 & 2 are
Adhoc Committee Member
Kuraisi Mosque Wakf (Sunni) @ Masjid -E-Quraishiya
No.6, Unnis Ali Sahib Street
Ellis Road, Chennai 600 002.

- 3.Mohamed Ikramulla Sheriff
Adhoc Committee Member
Kuraisi Mosque Wakf (Sunni) @ Masjid -E-Quraishiya
No.15/12, Thaikuddin Khan Street
Triplicane, Chennai 600 005.

- 4.Ajaz Ahmed
Adhoc Committee Member
Kuraisi Mosque Wakf (Sunni) @ Masjid -E-Quraishiya
No.36/29, First Lane, Azuddinkhan Street
Triplicane, Chennai 600 005.



W.P.No.4827 of 2025

5.S.D.Abdul Latheef

Adhoc Committee Member

Kuraisi Mosque Wakf (Sunni) @ Masjid -E-Quraishiya

No.4/23, 6th Lane, Mukthar Unisa Begam Street

Mount Road, Chennai 600 002.

6.P.S.Mohamed Mohideen

Adhoc Committee Member

Kuraisi Mosque Wakf (Sunni) @ Masjid -E-Quraishiya

No.2/11, 1st Lane, Mukthar Unisa Begam Street

Mount Road, Chennai 600 002.

... Petitioners

Vs.

1.The Tamil Nadu Wakf Board

Rep.by its Chairman.

2.The Tamil Nadu Wakf Board

Rep.by its Chief Executive Officer

both 1 & 2 having office at

No.1, Jaffer Syrang Street

Vallal Seethaakathi Street

Chennai 600 001.

3.The Superintendent of Wakf

Office of Wakf, Chennai Zone

Dr.Besant Road

Triplicane, Chennai 600 005.

....Respondents



W.P.No.4827 of 2025

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to resolution passed by the second respondent vide Na.Ka.No.2905/14/Aa6/Chennai bearing Serial No.23, item No.253/24 dated 20.11.2024 to quash the same and consequently direct the second respondent to conduct the election in accordance with the order in W.P.No.14006 of 2022.

For Petitioners : Mr.Niranjan Rajagopalan

For Respondents : Mr.Avinash Wadwani
Wakf Board for R1 to R3

ORDER

This Writ Petition is filed challenging the impugned resolution passed by the second respondent Board with reference to Sl.No.23, item No.253/24 dated 20.11.2024 in as much as it appoints an interim committee to manage the wakf without complying with the earlier order of this Court directing the second respondent wakf Board to conduct the election in respect



W.P.No.4827 of 2025

of the name of *Kuraishi Mosque Wakf (Sunni) @ Majisd-E-Quaraishiya*.

WEB COPY

2. When the matter came up for hearing, the learned counsel appearing on behalf the Wakf Board would submit that in view of the judgment passed by this Court in *Mohammed Yusuf Vs. Tamil Nadu Wakf Board and others*, the wakf board is restrained from appointing Muthawalli or conducting elections in respect thereof. Only because of the same, when the matter is pending before the Division Bench, pending the writ appeals, that there was an oral direction by the Division Bench not to conduct any elections and therefore, the wakf board could not proceed further with the elections and in view of the fact that the wakf board could not proceed further with the elections, it has passed the resolution to appoint an interim committee.

3. I have considered the said submission made by the learned counsel appearing on behalf of the second respondent Board.

4. The said batch arises out of the judgment of this Court



W.P.No.4827 of 2025

speaking through Hon'ble Justice Mohammed Shaffiq, dated 19.04.2023 made in W.P.(MD).No.13695 of 2020. The ratio of the said judgment is that the election or the appointment of muthawalli should be left to the concerned wakf and to their decision. The wakf board cannot appoint muthawalli or conduct election by itself.

5. The entire dispute is pending with reference to the said question of law involved. As far as this case is concerned, even going by the ratio laid down in the said judgment, the concerned wakf, in their wisdom approached the authorities for framing a scheme and the scheme is framed. The scheme specifically vests the procedure of conducting elections with the wakf board. Therefore, the said observations made with reference to the said case that is pending before the Division Bench, will not be applicable to the facts and circumstances of this case. As a matter of fact, by a judgment in WP.No.14006 of 2022, already a direction was given to the second respondent board to conduct the election.

6. In view thereof, this Writ Petition deserves to be allowed on



W.P.No.4827 of 2025

the following terms;

WEB COPY

(i) The impugned resolution passed by the second respondent vide Na.Ka.No.2905/14/AA6/Chennai bearing Serial No.23, item No.253/24 dated 20.11.2024 shall stand set aside;

(ii) The wakf board is directed to conduct the election for appointment of muthawalli as per the scheme that is framed in respect of the present wakf within a period of four months from the date of receipt/production of the website uploaded copy of the order, without waiting for the certified copy of the order.

(iii) No costs. Consequently, connected Miscellaneous Petition is closed.

12.02.2025
($\frac{1}{2}$)

Neutral Citation : Yes/No
dna



W.P.No.4827 of 2025

WEB COPY **To**

- 1.The Tamil Nadu Wakf Board
Rep.by its Chairman.
 - 2.The Tamil Nadu Wakf Board
Rep.by its Chief Executive Officer
- both 1 & 2 having office at
No.1, Jaffer Syrang Street
Vallal Seethaakathi Street
Chennai 600 001.
- 3.The Superintendent of Wakf
Office of Wakf, Chennai Zone
Dr.Besant Road
Triplicane, Chennai 600 005.



WEB COPY



W.P.No.4827 of 2025

D.BHARATHA CHAKRAVARTHY, J.

dna

W.P.No.4827 of 2025
and
WMP.No.5347 of 2025
(1/2)

12.02.2025