



W.P.No.9804 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 18.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.9804 of 2025

and

W.M.P.No.10988 of 2025

SYED JALALUDDIN
MANAGING MUTHAWALLI,
SYED SHA WAJEEHUDDIN AVULIYA DARGAH,
MOSQUE AND BURIAL GROUND WAQF,
OFFICE AT NO. 2 – D, BADESAHEB STREET,
THALAYATHAM,
GUDIYATHAM,
VELLORE DISTRICT.

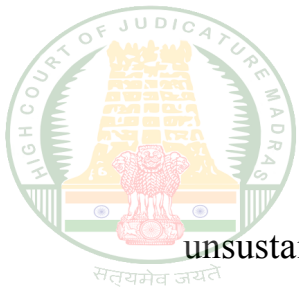
... Petitioner

Vs

1. THE TAMIL NADU WAQF BOARD,
REP. BY ITS CHAIRMAN,
NO.1, JAFFER SYRANG STREET,
VALLA SEETHAKATHI NAGAR,
CHENNAI - 600 001.
2. THE WAQF INSPECTOR,
VELLORE ZONE,
NO.8, ARANI ROAD,
SAINATHAPURAM,
VELLORE – 632 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for records of the impugned notice issued by the second respondent dated 13.03.2025 in G.S.No.203/Vellore/W.I/Vlr Zone and quash the same as illegal,



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unsustainable and without jurisdiction and thereby direct the first and second respondent to issue no objection certificate for receiving rice under subsidy scheme of the Tamil Nadu Waqf Government during Ramalan immediately without any delay.

For Petitioner : Mr.A.Ajimath Begum

For R1 & R2 : Mr.Mohamed Fayaz Ali

ORDER

This writ petition is filed with a prayer to call for the records relating to the impugned notice issued by the second respondent dated 13.03.2025 in G.S.No.203/Vellore/W.I/Vlr and to quash the same and consequently direct the first and second respondents to issue a no-objection certificate for receiving rice under the subsidy scheme of the Tamil Nadu Government during Ramalan immediately, without any delay.

2. Upon hearing the learned counsel appearing on behalf of the petitioner and perusing the affidavit filed in support of the writ petition and the connected records, it can be seen that the petitioner has been duly appointed as a muthavalli. However, the erstwhile committee did not hand over the charge in spite of the direction by the Waqf Board to hand over the



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entire charge by an order dated 30.10.2024. Therefore, the petitioner has already approached the District Revenue Officer under Section 68 of the Waqf Act. No action was taken and therefore, the petitioner earlier approached this Court. By an order dated 03.02.2025 made in W.P. No.3035 of 2025, this Court directed the District Revenue Officer to consider the application made by the petitioner under Section 68 of the Waqf Act and to take further action in accordance with law.

3. It is stated by the learned counsel appearing on behalf of the Waqf Board that, as on date, the said action is not completed and therefore the impugned order has been passed refusing permission to the petitioner to take delivery of the rice and other subsidies.

4. In principle, the interim outgoing committee cannot take advantage of its own wrong. The District Revenue Officer as well as the Waqf Board, can act swiftly to hand over the charge to the petitioner. However, considering that 16 days of the holy month of Ramalan have already passed, interdicting now would only affect the religious ceremonies of Iftar, etc., this Court is not interfering in the matter. However, as directed by this Court in the earlier W.P. No. 3035 of 2025, the District Revenue Officer concerned shall take



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expeditious steps to ensure the charge is handed over. The Waqf Board shall also look into the matter, as the erstwhile committee members have not obeyed their Order and in spite of the Court's Order, have not handed over the charge and are taking advantage of their own wrong. Appropriate action in this regard can also be contemplated by the Waqf Board against the said persons. Appropriate orders for punishment shall also be passed as per Section 63, after affording an opportunity to the said persons in the manner known to law.

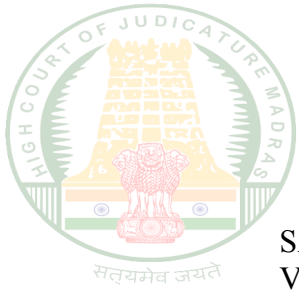
5. With the above directions, this writ petition stands disposed of. Consequently, connected miscellaneous petition is closed. No costs.

18.03.2025

Neutral Citation: Yes/No
nsl

To

1. THE CHAIRMAN,
THE TAMIL NADU WAQF BOARD,
NO.1, JAFFER SYRANG STREET,
VALLA SEETHAKATHI NAGAR,
CHENNAI - 600 001.
2. THE WAQF INSPECTOR,
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