



WEB COPY



W.P.No.10049 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.10049 of 2025
and W.M.P.Nos.11275 & 11276 of 2025

G.Muneer

.. **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 Chief Executive Officer
Tamil Nadu Waqf Boar
No.1, Jaffer Syrang Street
Valla Seethakathi Nagar
Chennai – 600 001.

3.The Waqf Inspector
Vellore Zone
Sainathapuram, Vellore District.

.. **Respondents**

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, calling for records of the impugned

Page 1 of 6



W.P.No.10049 of 2025

order passed by the 1st respondent dated 05.02.2024 in Na.Ka. No. 826/23/AA7/Vlr and quash the same as illegal, unsustainable and without jurisdiction and thereby direct the 1st respondent to recognise the petitioner as a Muthawalli of the Syed Sha Mohammedin Kirmani Dargah Waqf and pass such further order.

For the Petitioner : Mr.S.V.Karthikeyan

For the Respondents : Mr.Haja Mohideen Gisthi
for RR1-3

ORDER

This Writ Petition is filed challenging the impugned order dated 05.02.2024 made in Na.Ka. No. 826/23/AA7/Vlr and quash the same.

2. Heard, *Mr.S.V.Karthikeyan*, the learned counsel appearing on behalf of the petitioner.

3. The learned counsel would submit that the meeting to select the persons which is conducted in the house of the person itself is improper. Notice for the meeting was also not given to all the persons who are interested in the Wakf and



W.P.No.10049 of 2025

WEB COPY

who may be interested in participating in the proceedings. No proper meeting was conducted and the approval was also not made by the Board and therefore, the impugned order is liable to be quashed.

4. *Per contra*, Mr.Haja Mohideen Gisthi, the learned counsel taking notice on behalf of the wakf board would submit that on a perusal of the impugned order, it can be seen that the period starts from 24.11.2023 and it is going to end on 23.11.2026. When the new Mutawalli and the other members have already taken charge and also started functioning, belatedly, this Writ Petition cannot be entertained. Further, the said Mutawalli and the other members who have selected and functioning are not made as parties in this Writ Petition.

6. In reply thereof, the learned counsel would submit that the petitioner is only in-charge of the wakf till date.

7. I have considered the submissions made on either side and perused the material records of the case.



W.P.No.10049 of 2025

WEB COPY

8. What is under challenge is the order appointing Mutawalli, Secretary, Treasurer and the other office bearers of the Committee. The period for which the order is passed is from 24.11.2023 to 23.11.2026. When the appointment is made and more than 50 % of the tenure is over, this Writ Petition is filed only now. The only reason that is mentioned is that the petitioner is only in-charge of the wakf, even as on date and the said statement is refuted by the learned counsel appearing on behalf of the respondent – wakf board. No such statement is made in the affidavit filed in support of the Writ Petition or in the representation that is made. Even in the earlier representations nowhere it is the contention of the petitioner that he is the in-charge of the waqf till date.

9. Therefore, I am unable to accept the said contention. Since the petitioner is challenging the appointment of nine persons as Mutawalli and other office bearers, he has also failed to implead them as parties to the Writ Petition. Therefore, I am of the view that the Writ Petition cannot be entertained, especially in view of the delay as the term itself is going to over. It is needless to mention that if the petitioner has got any legal grievance, when the selection is



W.P.No.10049 of 2025

WEB COPY

being conducted for the next term, the petitioner can raise the same and the same can be considered by the respondents. Dismissal of the present Writ Petition is only on the ground of delay and non-joinder and will not come in the way of the petitioner.

10. In the result, this Writ Petition stands dismissed. No costs. Consequently, the associated miscellaneous petitions are closed.

20.03.2025

Neutral Citation : No

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W.P.No.10049 of 2025

D.BHARATHA CHAKRAVARTHY, J.

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To

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