



W.P.No.11113 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 26.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.11113 of 2025

and

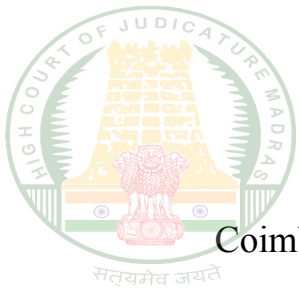
WMP.Nos.12541 & 12542 of 2025

Muhammed Nawaz Habeeb Rahuman

... Petitioner

Vs.

- 1.The Tamil Nadu Wakf Board
Rep.by its Chief Executive Officer
No.1, Jaffer Syrang Street
Vallal Seethakathi Nagar, Chennai -1.
- 2.The Chief Executive Officer
Tamil Nadu Wakf Board
No.1, Jaffer Syrang Street
Vallal Seethakathi Nagar, Chennai -1.
- 3.The Superintendent of Wakfs/Executive Officer
Karumbukadai Sunnath Jamath Mosque
Coimbatore Zone
Coimbatore Wakf Office, Coimbatore.
- 4.The Adhoc Committee
Karumbukadai Sunnath Jamath Mosque
Rep by T.N.Kamaludeen
Karumbukadai Sunnath Jamath Mosque



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Coimbatore District.

....Respondents

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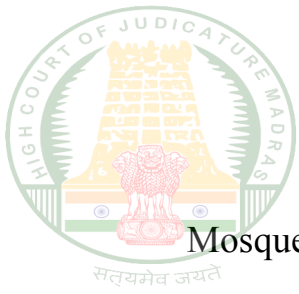
Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent dated 05.03.2025 in Se.Mu.Order 3568/24/Aa3/Kovai and quash the same and consequently direct the first respondent to conduct elections to the Karumbukadai Sunnath Jamath Mosque, Coimbatore as per the scheme governing the wakf.

For Petitioner : Mr.N.A.Nissar Ahamed
Senior Counsel
Assisted by
Mr.I.Kowser Nissar

For Respondents : Mr.Avinash Wadhwani
for R1 to R3
Mr.A.Ajimath Begam for R4

ORDER

This Writ Petition is filed for a Certiorarified Mandamus calling for the records on the file of the first respondent dated 05.03.2025 in Se.Mu order 3568/24/Aa3/Kovai and to quash the same and consequently direct the first respondent to conduct the elections to the Karumbukadi Sunnath Jamath



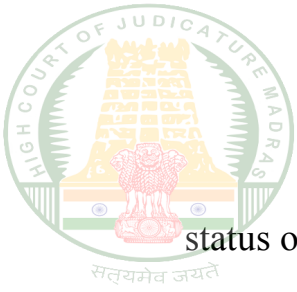
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Mosque, Coimbatore, as per the scheme governing the wakf.

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2. The learned Senior Counsel appearing on behalf of the petitioner would draw the attention of this Court to the resolution that is passed by the Wakf Board on 03.07.2024. When the Wakf Board had considered the fact that the Wakf is functioning without proper management and the duration of the then existing office bearers got over long back on 09.05.2018 and when it had decided that the process of appointing proper office bearers to manage the wakf has to be conducted then in the meanwhile, without any basis or justification whatsoever, it has resolved to appoint an Adhoc Committee by the impugned order dated 05.03.2025. The Adhoc Committee can be appointed only for the specific reasons that are mentioned under Section 63 of the Wakf Act, 1995 and when no such reasons exist in the instant case, the Adhoc Committee ought not to have been appointed.

3. The learned counsel appearing on behalf of the Wakf Board would submit that the resolution was followed by further resolution of the Wakf Board on 24.02.2025. On the said date, the Wakf Board considered the



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status of affairs of the direct management and only considering the fact that in view of the sheer burden of work on the Executive Officer and since he is not able to perform all the duties and in view of the Ramzan month a decision had been taken for the appointment of the Adhoc Committee. It is agreed by all the learned counsel that only because the Writ Appeal is pending with reference to the order of this Court in W.P.(MD).No.13695 of 2020 etc., further process is not undertaken to regularly fill up the vacancies by conducting the elections to manage the present Wakf.

4. It can also be seen that in the said resolution dated 28.02.2025 the Board has given direction to conduct the election also. Even otherwise Judgment of the learned Single Judge of this Court in WP.(MD).No.13695 of 2020 in paragraph 21, it is held that the elections have to be conducted as per the proforma with reference to the scheme of the concerned wakfs and not by the Wakf Board. In the instant case, even as per the proforma, elections have to be conducted in the presence of the Wakf Board Official. As per the scheme the elections have to be conducted in the presence of the Wakf Official. The dispute that is pending in the Writ Appeal is with reference to



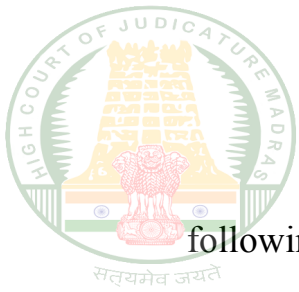
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whether Wakf Board Suo-Motu can conduct the elections in respect of the all the Wakfs or not. Thus in this case, the authorities need not await the decision in the Writ Appeal. Furthermore, in the instant case, the resolution date 24.02.2025 itself directs for conducting of the further processes relating to the election.

5. In view thereof, instead of going through the legality or otherwise of the order of appointing the Adhoc Committee and when it is mentioned that it is appointed taking into account the month of Ramzan and only till the Constitution of the Regular Committee, I am of the view that giving directions for constitution of the Regular Committee at an expeditious date would resolve the issue and address the grievance of the petitioner. At the same time, the Adhoc Committee can not take any permanent decisions which may affect the long term management of the Wakf. They will only carry out the day to day management of the Wakf.

6. In view thereof, this Writ Petition is disposed of on the



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following terms;

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(i) The respondents 1 to 3 are directed to immediately notify the election to the subject matter Wakf namely Karumbukadi Sunnath Jamath Mosque, Coimbatore and complete the election as expeditiously as possible;

(ii) The entire exercise shall be completed in any event not later than 10 weeks from the date of receipt of the web copy of the order, without waiting for the certified copy of the order. In the meanwhile the Adhoc Committee can function but however in a manner only to carry the day to day affairs without taking any decisions that will affect the Wakf on a long term basis;

(iii) No costs. Consequently, connected Miscellaneous Petitions are closed.

26.03.2025

Neutral Citation : No
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D.BHARATHA CHAKRAVARTHY, J.

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