



W.A.No.3618 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE SHAMIM AHMED

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K.Mohammed Ali .. Appellant

Vs.

1. S.Syed Naseer

2. The Tamil Nadu Wakf Board
Rep. By its Chief Executive Officer
No.1, Jaffer Syrang Street
Vallal Seethakathi Nagar
Chennai – 600 001.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent, against the order made in W.P.No.17482 of 2023 dated 31.01.2025.

For the Appellant : Mr.S.R.Sundar

For the Respondents : Mr.I.Kowser Nissar
for R1

Mr.Mohammed Fyaz Ali
Standing Counsel
for R2

JUDGMENT

(Judgment of the Court was made by R.SURESH KUMAR, J.)

This intra-Court appeal has been directed against the order passed by the Writ Court dated 31.01.2025 made in W.P.No.17482 of 2023.



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2. The present appellant was the second respondent in the writ petition, as he was *suo motu* impleaded by the Writ Court as one of the party respondents in the writ petition, as the first respondent herein filed the said writ petition seeking a writ of mandamus to the Tamil Nadu Wakf Board, the second respondent herein, to consider the representation submitted by the writ petitioner/first respondent dated 27.02.2023 and to conduct an enquiry regarding the administration of the Sayeedani Bi Dargha situate at S.No.167/2, Dindivanam Road, Vandavaasi Town, Thiruvannamalai District and to take appropriate action and bring the Wakf under the direct management of the Tamil Nadu Wakf Board.

3. Though such short prayer was sought in the writ petition, after hearing both parties, the learned Writ Court, in paragraph 23 of the order, that is the operative portion, has given the following directions:-

"23. Therefore, the 1st respondent is directed to consider the representation of the petitioner dated 27.02.2023 by conducting thorough enquiry, after issuing necessary notice to the petitioner, 2nd respondent and other interested parties and pass final orders on its own merits and in accordance with law, within a period of twelve weeks from the



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date of receipt of copy of this order. The 2nd respondent is entitled to raise all his objections before the 1st respondent, the same shall be considered by the 1st respondent on its own merits, without being influenced by anything observed in this order."

It was a simple mandamus issued by the Writ Court, directing the Tamil Nadu Wakf Board to consider the representation given by the writ petitioner dated 27.02.2023 and after enquiring the same by issuing notice to the first respondent herein, the appellant, the second respondent herein and any other interested parties, pass orders thereon on merits and in accordance with law.

4.1. In this context, *Mr.S.R.Sundar*, learned counsel appearing for the appellant, would submit that, before the Wakf Tribunal, a suit has already been filed by the present appellant in W.O.S.No.70 of 2020, where, the Chief Executive Officer of the Tamil Nadu Wakf Board has been shown as the sole defendant, the prayer sought by the present appellant, who stood as the plaintiff, is for the following relief:-

"(i) for a declaration the plaintiff Saithani Bi and Shazathi Bi Dargah morefully described in the plaint schedule is a private wakf and for a



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consequential injunction restraining the defendant from in any manner interfering with the plaintiff's peaceful administration of the suit private wakf and its properties;

(ii) for a mandatory injunction directing the defendant to delete the entries in the Profora Report Register maintained by the defendant Board pertaining to the plaintiff Dargah as suit Dargah is outside the purview of the Wakf Act, 29/1954 and 43/1995 as the case may be;

(iii) for costs."

4.2. It is, in this context, the grievance espoused by the learned counsel appearing for the appellant that, by virtue of the impugned order passed by the Writ Court, the Wakf Board, that is the Principal Sub-Ordinate Judge at that time, now, it is Wakf Board at Chennai, has expressed views that, by virtue of the order impugned, the suit filed by the present appellant would not be considered and the suit would be dismissed on that ground itself.

6. We have heard *Mr.Mohammed Fayaz Ali*, learned Standing Counsel appearing for the second respondent and *Mr.I.Kowser Nissar*, learned counsel appearing for the first respondent.



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7. They would submit that, only directions have been given by way of mandamus to the Tamil Nadu Wakf Board to consider the representation of the writ petitioner dated 27.02.2023 and after conducting an enquiry, by giving notice to the parties as well as to the interested parties to decide the same on merits. By virtue of that direction, no prejudice would be caused to either of the parties, as only the merit of the case projected by both sides would be decided by the Tamil Nadu Wakf Board within the meaning of the provisions of the Wakf Act and that will not have any barring on the suit, if at all anything is filed by the appellant, they contended.

8. We have considered the said rival submissions made by both sides and have perused the materials placed before this Court.

9. As has been rightly pointed out by the learned counsel appearing for the respective respondents herein, a simple mandamus that was issued by the Writ Court is only a direction to the Tamil Nadu Wakf Board to consider the representation given by the first respondent dated 27.02.2023 and to conduct an enquiry after issuing notice to the present appellant as well as other



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interested parties and pass orders on its own merits and in accordance with law within a time frame, where, the present appellant would also be entitled to raise all the objections before the Wakf Board and such kind of issue raised by them or the objections raised by them also could be considered by the Wakf Board on its own merits without being influenced by anything observed in the said order. This is the further observation given by the learned Judge.

10. Therefore, since a very innocuous directions have been given by the Writ Court, by virtue of which, now no right is accrued on either of the parties or any right already accrued on either of the parties is taken away, except to go ahead with the enquiry and to decide the merits of the representation made by the second respondent, that is the writ petitioner, we do not find any reason to interfere with the said order.

11. Insofar as the plea raised by the learned counsel for the appellant that, the suit in W.O.S.No.70 of 2020 would not be taken up and decided on merits is concerned, we clarify that the order passed by the Writ Court which is impugned herein would not stand in the way of deciding W.O.S.No.70 of 2020 independently on its



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own merits based on the evidences to be let in by both parties and therefore, with this clarification, we are inclined to dispose of the present writ appeal.

12. With the above clarification, the present writ appeal stands disposed of. However, there shall be no order as to costs. Consequently, C.M.P.Nos.29841 and 29842 of 2025 are closed.

(R.S.K., J.) (S.S.A., J)
01.12.2025

Speaking Order/Non-Speaking Order
Neutral Citation:Yes/No
Internet:Yes/No
Index:Yes/No

(drm)

To:

1. The Chief Executive Officer
The Tamil Nadu Wakf Board
No.1, Jaffer Syrang Street
Vallal Seethakathi Nagar
Chennai – 600 001.



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R. SURESH KUMAR, J.
AND
SHAMIM AHMED, J.

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