



W.P. No. 16894 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2025

CORAM

THE HON'BLE Mr. JUSTICE N.ANAND VENKATESH

W.P. No. 16894 of 2023

and

W.M.P. Nos. 16121 and 16122 of 2023

Janab S.Y.Syed Rafi

...Petitioner

-VS-

1.The Chief Executive Officer
Tamil Nadu Waqf Board
No.1, Jafer Sirang Road
Vallal Seedhakkadhi Nagar
Chennai-600001.

2.Janab S.Syed Aliyar Sha
S/o.Late Janab E.S.Sikkander

3.Janab S.Liyahah Ali Sha
S/o.Late Janab E.S.Sikkandar

4.Janab S.Safiyullah
S/o.Late Janab E.S.Sikkandar

5.Janab S.Farkath Ali
S/o.Late Janab E.S.Sikkandar

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records relating to the impugned order in RC.No.5440/18/B8/Madurai, dated 30.06.2022, on the file of the first respondent herein and to quash the same and to pass such further or



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other orders as may be deem fit and proper in the circumstances of the case.

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For Petitioner(s) : Mr.S.Subbiah, Senior Counsel
For M/s.Elizabeth Ravi

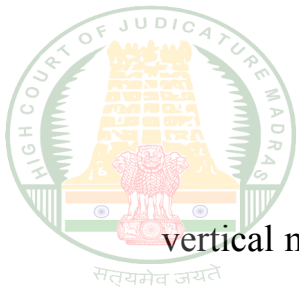
For Respondents : M/s.P.T.Saleem Fathima(R2)
Mr.Abdul Mubeen St.C. (R1)

ORDER

This writ petition has been filed challenging the impugned proceedings of the first respondent dated 30.06.2022, appointing the second respondent as the Mutawalli for the period from 29.06.2022 to 28.06.2025.

2. The proceedings of the first respondent dated 30.06.2022 has already worked itself out and the period of Mutawalliship has also come to an end on 28.06.2025. Therefore, to go into the legality or otherwise of the proceedings of the first respondent will only be an academic exercise.

3. On carefully going through the proforma report dated 15.06.1956, there is absolutely no indication as to the manner in which the Mutawalli has to be appointed. The petitioner has taken a stand that the first respondent must apply the horizontal method and whereas the private respondents have come up with a claim that the appointment of Mutawalli must take place by applying the



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vertical method. There is no such indication in the document through which the

Wakf was formed in the year 1863.

4. The learned Standing Counsel for the third respondent submitted that the Mutawalli is appointed for a period of three years by resorting to Section 63 of the Waqf Act, 1995 (hereinafter referred to as 'the Act' for short).

5. In the considered view of this Court, the appointment of Mutawalli under Section 63 is only in the nature of temporary measure and since the title document under which the Wakf was formed does not give any indication on the manner of appointment of Mutawalli, the Wakf Board will necessarily have to resort to framing a scheme for the administration of the Wakf. Only this process can give a permanent solution to the dispute.

6. In view of the above, there shall be a direction to the first respondent to proceed further with the power vested under Section 69 of the Act and frame a scheme for the administration of the Wakf. The procedure as contemplated under the Act shall be followed and ultimately, the scheme shall be framed. All the interested parties shall be put on notice and they shall be given opportunity.



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The Wakf Board shall complete this process within a period of six months from the date of receipt of a copy of this order. Depending upon the scheme that is framed, the Mutawalli can be appointed.

7. Accordingly, this writ petition is disposed with the above direction. During the interregnum period, the Wakf Board shall administer the functioning of the Wakf. Consequently, connected Miscellaneous Petitions are closed. No costs.

15.07.2025

Index: Yes/No
Internet: Yes/No
Speaking /Non-speaking order
NCC : Yes / No

Maya

To

1. The Chief Executive Officer
Tamil Nadu Waqf Board
No.1, Jafer Sirang Road
Vallal Seedhakkadhi Nagar
Chennai-600001.



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N.ANAND VENKATESH, J.

Maya

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