



WEB COPY



W.P No. 24118 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 24118 of 2025 AND
WMP NO. 27118 OF 2025, WMP NO. 27119 OF 2025

S.K.Mohideen Abdul Khader
The Secretary, Akbar Basha Mosque And
Burial Ground Wakf, No.84, Dr. Natesan
Road, Triplicane, Chennai-600 005.

... Petitioner

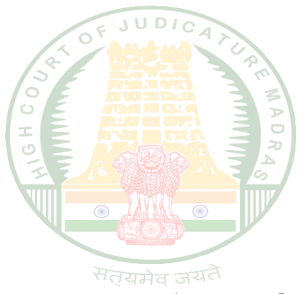
Vs

1. The Tamil Nadu Wakf Board
Rep. By Its Chairman, No.1, Jaffer
Syrang Street, Vallal Seethakathi Nagar,
Chennai-600 001.

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

3.The District Revenue Officer Cum
Chief Administrative Officer
Tamil Nadu Wakf Board, No.1, Jaffer
Syrang Street, Vallal Seethakathi
Nagar, Chennai-600 001.

4.The Executive Officer Cum
Superintendent Of Wakf
Tamil Nadu Wakf Board, Chennai
-poonamallee Zone, No.139,
Dr. Besant Road, Ice House, Triplicane,
Chennai-600 005.



W.P No. 24118 of 2025

5.K. Basha
No.5, 4th Street, Kalaishpuram,
Mylapore, Chennai-600 004.

6.K. Munavar Basha
No.120, Dr. Natesan Road, Triplicane,
Chennai-600 005.

... Respondents

PRAYER

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the Tamil Nadu Government Gazette for publication of the Tamil Nadu Wakf Board resolution Item No.175/25, in R.C.No.18037/09/B6/CHN dated 20.05.2025 in Lr.RC.No.18037/B6/Chennai, dated 18.06.2025 through the 3rd Respondent herein to take over the Akbar Basha Mosque and Burial Ground Wakf. Situated at No.84, Dr. Natesan Road, Triplicane, Chennai-600 005 by the Tamil Nadu Wakf Board under its direct management and quash the same.

For Petitioner : Mr.L.Gavaskar

For Respondent(s): Mr.Avinash Wadhwani Standing
Counsel - For RR1 To 4

ORDER

This writ petition has been filed challenging the Notification issued by the Tamil Nadu Wakf Board published in the Tamil Nadu Government Gazette on 03.06.2025 and for a consequential direction restraining the Wakf Board from taking over direct management of the Wakf.

2. When the writ petition came up for hearing on 04.07.2025, this Court heard the learned counsel for the petitioner. The learned counsel mainly raised

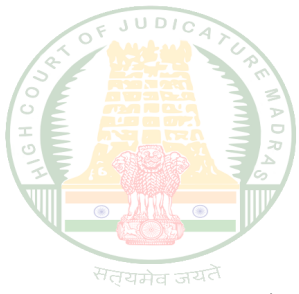


W.P No. 24118 of 2025

two grounds. First ground is that, such notification has been issued without affording opportunity to the petitioner. The second ground is that the notification was issued in the name of the Chief Administrative Officer of the Tamil Nadu Wakf Board, who lacks jurisdiction since such power is vested only with the Chief Executive Officer under Section 26 of the Wakf Act 1995.

3. When the writ petition was taken up for hearing today, the learned Standing Counsel appearing on behalf of the Wakf Board brought to the notice of this Court, the resolution that was passed by the Wakf Board dated 20.05.2025. On going through the same, it is clear that opportunity was in fact was given to the learned counsel appearing for the petitioner and also to the petitioner, who has given his explanation. The first ground raised by the learned counsel for the petitioner as if no opportunity was given is unsustainable.

4. The next ground touches upon the jurisdiction of the notification issued in the name of the Chief Executive Officer. For this purpose, this Court must take into consideration Section 27 of the Act, which talks about delegation of powers by the Board. It is brought to the notice of this Court that such delegation of powers has been given in favour of the Chief Administrative Officer under G.O.Ms.No.62 dated 09.08.2024. Hence, the second ground that has been raised by the learned counsel for the petitioner has also been sufficiently answered by the Wakf Board.



W.P No. 24118 of 2025

WEB COPY

5. The other grounds that were raised by the learned counsel for the petitioner cannot be gone into in the present writ petition since the petitioner has an efficacious alternative remedy before the Wakf Tribunal. The legal grounds that were raised by the learned counsel for the petitioner, touching upon the scope of Section 69 of the Act and the other grounds raised on merits cannot be considered by this Court in exercise of its jurisdiction under Article 226 of the Constitution of India.

6. In view of the above, this writ petition is disposed of by granting liberty to the petitioner to raise all the grounds before the Tribunal and work out his remedy in the manner known to law. The Tribunal shall deal with the case on merits without putting the ground of delay against the petitioner.

7. This writ petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

15-07-2025

Note : Issue order copy today (15.07.2025)

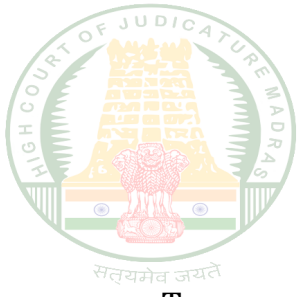
KST

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



W.P No. 24118 of 2025

To
WEB COPY

1.The Tamil Nadu Wakf Board
Rep. By Its Chairman, No.1, Jaffer Syrang
Street, Vallal Seethakathi Nagar,
Chennai-600 001.

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

3.The District Revenue Officer Cum Chief
Administrative Officer
Tamil Nadu Wakf Board, No.1, Jaffer
Syrang Street, Vallal Seethakathi Nagar,
Chennai-600 001.

4.The Executive Officer Cum
Superintendent Of Wakf
Tamil Nadu Wakf Board, Chennai
-poonamallee Zone, No.139, Dr. Besant
Road, Ice House, Triplicane, Chennai-
600 005.



WEB COPY



W.P No. 24118 of 2025

N.ANAND VENKATESH J.

WP No. 24118 of 2025

15-07-2025