



W.P.No.28232 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 02.09.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28232 of 2021

and W.M.P.No.29827 and 29829 of 2021

T.K.E.K.S.Salahuddin

... Petitioner

Vs.

1.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakati Nagar,
Chennai-1.

2.The Tamil Nadu Wakf Board,
Rep.by its Chairman,
No.1, Jaffar Syrang Street,
Vallal Seethakati Nagar,
Chennai-1.



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3.K.Jeelani Basha

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... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records of the first respondent in Se.Mu.Order.9584/B5/2007/Trichy dated 09.11.2021 passed pursuant to the proceedings not served the petitioner of the second respondent in RC.9548/B5/2007/Trichy dated 27.10.2021 and quash the same.

For Petitioner : Mr.N.A.Nissar Ahmed
Senior Counsel
for Mr.N.A.Nassir Hussain

For Respondent : Mr.S.Haja Mohideen Gisthi
for R1 and R2
Mr.M.Adeeb Mohammed for R3

ORDER



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This Writ Petition has been filed challenging the proceedings of the first respondent issued in Se.Mu.Order.9584/B5/2007/Trichy dated 09.11.2021 pursuant to the proceedings of the second respondent in RC.9548/B5/2007/Trichy dated 27.10.2021.

2. The case of the petitioner is that the petitioner is a hereditary Mutawalli of TK Ebrahim Sha Rawther Ramzan Sha Charities Wakf and already O.P.No.6 of 2012 is pending before the Wakf Tribunal, Trichy regarding the management of the said Wakf which was taken over by Tamil Nadu Wakf Board. Since the management was taken over by Wakf Board, the petitioner was removed from Hereditary Mutawalli. While so, by impugned order dated 27.10.2021, the third respondent herein was appointed as Mutawalli of the said Wakf for a period of three years upto 26.10.2024. The petitioner is aggrieved against the said order on the ground that the third



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respondent had alienated the Wakf properties and other properties and therefore, he is not entitled to be appointed as Hereditary Mutawalli.

3. The learned Senior Counsel appearing for the petitioner submits that this Court may grant permission to the petitioner and the third respondent to make an application for appointment of Mutawalli before the first respondent and the first respondent may be directed to conduct enquiry between the petitioner and the third respondent and pass appropriate orders in accordance with law.

4. The learned counsel appearing for the third respondent submits that the third respondent has filed a writ petition in W.P.(MD).No.21364 of 2025 before the Madurai Bench of this Court and vide order dated 06.08.2025, the Registry was directed to list the said writ petition along with this writ



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petition and in W.P.(MD).No.21364 of 2025, the order dated 09.11.2021

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passed by the first respondent has been put on challenge insofar as it relates to restricting the tenure of Mutawalliship of the petitioner is concerned and for a direction to the first respondent to recognize the hereditary mutawalliship of the third respondent in respect of T.K.Ibrahim Shah Rowther Ramzan Charity Waqf, Tiruchirappalli, until the lifetime or removal of the third respondent. However, the learned counsel submits that the third respondent has no objection for conducting enquiry between the petitioner and him and for appointment of Mutawalli for the subsequent period from 26.10.2024.

5. In view of the limited request made by the learned counsel appearing for the petitioner, this Court, without going into the merits of the case, permits the petitioner and the third respondent to file an application



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before the first respondent for appointment of Mutawalli and on receipt of

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the applications filed by the petitioner and the third respondent, the first respondent is directed to conduct enquiry between the petitioner and the third respondent and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order by hearing the family members of the petitioner and the third respondent.

6. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Connected miscellaneous petitions are closed.

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NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No

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M.DHANDAPANI, J.

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