



W.P.No.32591 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2025

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32591 of 2025

and

W.M.P.Nos.36527 & 36541 of 2025

1.Syed Nawaz

2.Syed Azhar

... Petitioners

Vs

1.The Chair Person cum Chief Executive Officer,
Tamilnadu Wakf Boar,
No.1 Jabar Sirang Street,
Vallal Seethkkathi Nagar,
Chennsi-600 001.

2.The Superintendent,
Tamilnadu Wakf Board,
Salem Region,
Salem.

3.K.Syed Athaullah

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus call for the entire records in connection with the impugned order No.Che.Mu. Order 2428/11/AA2/Krishnagiri dated 23.06.2025 on the file of the respondent 1, and quash the same, consequently directing the 1st respondent to appoint new Mutawalli from someone among the petitioner's family.



WEB COPY



W.P.No.32591 of 2025

For Petitioners : Mr.B.Manimaran

For Respondents : Mr.Abdul Mubeen
For R-1 & R-2

ORDER

The present Writ Petition has questioned the appointment of the 3rd respondent as Muthawalli vide impugned order dated 23.06.2025 passed by the 1st respondent.

2. Mr.Abdul Mubeen, learned counsel takes notice on behalf of respondents 1 & 2.

3. Since no adverse order is being passed as against the 3rd respondent, notice to the 3rd respondent is dispensed with.

4. It is the case of the petitioners that they are in possession of their respective shares of the subject lands through their predecessors in title. However, an extent of 7 Acres of the said lands are under the management of Wakf Board viz., Respondents 1 & 2. The 3rd respondent also being one among the legal heirs of their predecessors, is in occupation of larger extent of lands comprised in Survey Nos.755, 756, 689, 690/2 and 693. He was appointed as Muthawalli by the 1st respondent for a period of 3 years i.e., from 07.10.2021 to



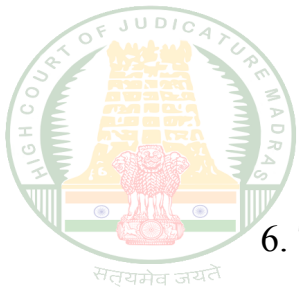
W.P.No.32591 of 2025

26.10.2024 however, even while functioning as Muthawalli, the 3rd respondent

WEB COPY

has been illegally trying to alienate some of the properties belonging to the Wakf Board. Aggrieved by which, the petitioners made a representation dated 15.10.2024 to the 1st respondent with regard to the functioning of the 3rd respondent. Subsequently, the petitioners filed a Writ Petition before this Court in W.P.No.13747 of 2025 seeking a direction to the 1st respondents to consider the above representation. This Court vide order dated 17.04.2025 had disposed the petition directing the 1st respondent to conduct an enquiry between the parties within a period of twelve weeks. Thereafter, the present impugned order has come to be passed by the 1st respondent appointing the 3rd respondent as Muthawalli for a period of three years from 20.05.2025 to 19.05.2025, even without providing any opportunity to the petitioners. Challenging the same, the present Writ Petition has been filed.

5. The learned counsel for the petitioners submitted that inspite of the illegal functioning of the 3rd respondent, he has been appointed as Muthawalli vide the present impugned order however, no opportunity was given to the petitioners while passing the said order which is in violation of principles of natural justice. In view of the same, the impugned order passed by the 1st respondent suffers from error and therefore, the same is liable to be set aside.

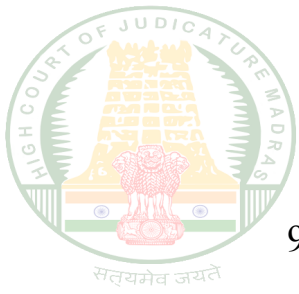


W.P.No.32591 of 2025

6. The learned counsel for the respondents 1 & 2 submitted that as against the order impugned in this petition, there is an effective remedy available before the Wakf Board. Instead of resorting to said remedy, filing of Writ Petition before this Court seeking to set aside the impugned order is not sustainable. If at all there is any grievance, the petitioners have to approach the Wakf Board by way of appropriate application.

7. This Court heard the learned counsel appearing on either side and perused the materials available on record.

8. Though this Writ Petition has been filed seeking a larger relief, in view of the submission made by the learned counsel for the respondents, when there is an effective remedy available before the Wakf Board as against the order impugned herein, without exhausting such remedy, the petitioners have approached this Court at the very first instance and hence this Writ Petition is not maintainable.



W.P.No.32591 of 2025

9. Accordingly, this Writ Petition stands disposed of with liberty to the petitioners to work out their remedy by filing appropriate application before the Wakf Board. There shall be no order as to costs. Consequently, the connected Miscellaneous Petitions are closed.

03.09.2025
(2/2)

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

Nhs

To

1.The Chair Person cum Chief Executive Officer,
Tamilnadu Wakf Boar,
No.1 Jabar Sirang Street,
Vallal Seethkkathi Nagar,
Chennsi-600 001.

2.The Superintendent,
Tamilnadu Wakf Board,
Salem Region,
Salem.



WEB COPY



W.P.No.32591 of 2025

M.DHANDAPANI, J.

Nhs

W.P.No.32591 of 2025

03.09.2025
(2/2)