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W.P.No.34232 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.34232 of 2025

And

W.M.P.Nos.38373 and 38374 of 2025

K.MOHAMMED JAMAL

... Petitioner

Vs.

1 THE PRINCIPAL SECRETARY
TAMILNADU WAQF BOARD,
NO.1, JAFFAR SYRANG STREET,
VALLAL SEETHAKATHI NAGAR,
CHENNAI-600 001.

2 THE CHIEF EXECUTIVE OFFICER,
TAMIL NADU WAQF BOARD,
NO.1, JAFFAR SYRANG STREET,
VALLAL SEETHAKATHI NAGAR,
CHENNAI-600 001.

3 THE SUPERINTENDENT,
TAMIL NADU WAQF BOARD,
VELLORE CIRCLE,
NO.8, ARNI ROAD,
SAINATHAPURAM,
VELLORE-632 001.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned resolution dated 14.10.2024 signed on



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29.04.2025 in Na.Ka.No.9115/23/AA7/VE passed by the third respondent and quash the same, consequently directing the first respondent to issue no objection certificate in respect of the petition schedule property to deal with the same by the petitioner.

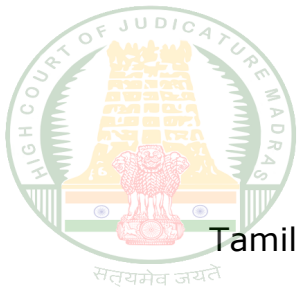
For Petitioner : Mr.K.N.Nataraj
For Respondents : Mr.Mohd. Fayaz Ali

O R D E R

Mr.Mohd. Fayaz Ali, learned counsel takes notice on behalf of the respondents. By consent, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned resolution dated 14.10.2024 signed on 29.04.2025 in Na.Ka.No.9115/23/AA7/VE passed by the third respondent and quash the same, consequently directing the first respondent to issue no objection certificate in respect of the petition schedule property to deal with the same by the petitioner.

3.The learned counsel appearing for the petitioner submitted that one Shakeel Ahmed Kose obtained financial assistance from



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Tamilnad Mercantile Bank and committed default in repayment and hence DRC proceedings came to be initiated and a public e-auction was conducted on 06.06.2019 and one Abdul Basith was declared as the successful bidder and on payment of the entire sale consideration, a sale certificate was registered in his favour on 10.10.2019 as document no.6449 of 2019 on the file of SRO, Vaniyambadi and the petitioner bought the subject property from the said Abdul Basith vide sale deed dated 17.09.2021 registered as document no.1510 of 2021 on the file of SRO, Vaniyambadi through his power of attorney agent Alangayam Shakeel Ahamed. Thereafter, the petitioner was in possession and enjoyment of the property.

4.The learned counsel appearing for the petitioner further submitted that whileso, a communication dated 26.04.2022 was issued by the Vellore Circle Office of the respondent Board to the District Collector, Thirupattur District, District Registrar, Vellore and Sub Registrar, Vaniyambadi stating that the property belongs to Waqf under Hyder Ali Tomb, Mosque, which is a notified Waqf. Thereafter, the petitioner made representation to the respondents seeking no objection certificate and since there was no response, filed W.P.No.2832 of 2024 and this Court vide order dated 08.02.2024



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issued direction to the respondents to consider the same and to pass appropriate order, pursuant to which, the impugned resolution was passed.

5.The learned counsel appearing for the petitioner further submitted that the petitioner purchased the property from one Abdul Basith who purchased the same through DRC proceedings. The respondents without challenging the DRC proceedings, is disputing the title owned by the petitioner which is not sustainable one.

6.Per contra, the learned counsel appearing for the respondents submitted that the subject property is a Waqf property and the Waqf is a notified Waqf. The property belonging to notified Waqf can be alienated only after getting permission from the Waqf Board, however, the subject property was alienated by the then Muthavalli in favour of his son-in-law and he mortgaged the property and further submitted that the Waqf or Waqf board is not a party in the DRC proceedings. He further submitted that if at all the petitioner has any grievance, he has to approach the Waqf Tribunal instead has filed writ petition under Article 226 of the Constitution of India, which is not sustainable one.



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7. Heard the arguments advanced on either side and perused the materials available on record.

8. Perusal of records reveal that the subject property is a Waqf property and the Waqf is a notified Waqf. The property belonging to notified Waqf can be alienated only after getting permission from the Waqf Board, however, the subject property was alienated by the then Muthavalli in favour of his son-in-law and he mortgaged the property. Further, the Waqf or Waqf board was not impleaded as a party in the DRC proceedings. Hence, if the petitioner have any grievance, he has to approach the Waqf Tribunal in the manner known to law and ought not to have filed writ petition under Article 226 of the Constitution of India.

9. In view of the above, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

11.09.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

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M.DHANDAPANI,J.
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To

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