



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

**W.P. No.35714 of 2024
and WMP. No. 38570 of 2024**

1.A.Kasali

2.R.Saleem

Petitioner

Vs

1.The Tamil Nadu Wakf Board,
Rep by its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-1.

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

3.The Superintendent of Wakfs,
Chennai Zone, 139, Dr.Besant Road,
Triplicane, Chennai.

4. The Managing Committee,
Adyar Khuraisani Peer Mosque and
Dargah Wakf, Adyar, Chennai.

Respondents



PRAYER: This petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for records of the 1st respondent dated 03.07.2024 in Na Ka No.12714/10/B6/Chennai in item No.173/24 and serial No.18 and consequential proceedings of the 2nd respondent dated 25/7/24 in Se.Mu.Order 12714/10/B6/Chennai and quash the same and consequently, direct the 1st respondent to conduct elections to the Khuraisani Peer Dargah and Paapanchavadi Mosque as sought vide representation dated 12.07.2024.

For Petitioner : Mr.N.A.Nassir Hussain

For Respondents : Mr.Mohammed Fayaz Ali,
Standing Counsel for R1 to R3
Mr.Y.Kaja Navas for R4

ORDER

The petitioner has filed this Writ Petition to quash the proceedings of the 1st respondent dated 03.07.2024 in Na Ka No.12714/10/B6/Chennai, in item No.173/24 and serial No.18 and consequential proceedings of the 2nd respondent dated 25/7/24 in Se.Mu.Order 12714/10/B6/Chennai and to direct the 1st respondent to conduct elections to the Khuraisani Peer Dargah and Paapanchavadi Mosque as sought, vide representation dated 12.07.2024.

2/10



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2. Heard Mr.N.A.Nassir Hussain, learned counsel for the petitioner and Mr.Mohammed Fayaz Ali, learned Standing Counsel for R1 to R3 and Mr.Y.Kaja Navas, learned counsel for the 4th respondent.

3. The case of the writ petitioner is that there is a Scheme governing the Dargah viz, Khuraisani Peer Dargah and Paapanchavadi Mosque. The Scheme was framed by this Court in C.S. No.94 of 1974 on 07.04.1978, which was subsequently modified by the Waqf Board by proceedings dated 27.06.2001. In terms of the said Scheme, elections were being held for the Managing Committee of the Waqf and the last elections were conducted in 2017 and the term of the Managing Committee expired even as early as on 12.01.2024.

4. The grievance of the writ petitioner is that despite the tenure having expired in January 2024, no steps have been taken by the Board to conduct fresh elections in accordance with the Scheme. It is also the grievance of the petitioner that the tenure of the existing Committee was extended by further six months and even the said period has now lapsed and



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inspite of the same, no steps have been taken.

5. The learned counsel appearing for the respondent Board and the second and third respondents, would submit that there is no impediment for the elections being held, however since the Board is not constituted as on date, matters are getting delayed. They would also state that the request for amendment of the Scheme, which has been proposed by the members of the Waqf is independent of the elections being conducted in terms of the Scheme.

6. In the counter affidavit filed by the 4th respondent has also set out the infirmities which according to the 4th respondent will have to be addressed even before the elections are held. He would also rely on the orders passed by this Court in *W.P.11437 of 2024* of in *M.Bilal Ahmed Vs. Tamil Nadu Waqf Board and others* order, dated 25.04.2024, where the petitioner's request for amendment of the Scheme given on 19.12.2023 was directed to be disposed of, by this Court, within a period of twelve weeks. It is therefore the contention of Mr.Kaja Navas, learned counsel for the 4th



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respondent that the elections can wait, so that suitable and necessary amendments can be carried out and proper elections can thereafter be held which would alone serve the interest of the Waqf.

7. However, learned counsel for the petitioner, per contra, would submit that as rightly pointed out by the Standing Counsel for the Waqf Board, conduct of elections has nothing to do with the amendment of the Scheme and both are independent proceedings. He would however place reliance on the decisions of this Court in *Mohammed Yusuf Vs. The Tamil Nadu Wakf Board and Ors*, reported in 2023 (4) CTC 551 and *Mohammed Nawaz Habeeb Rahuman Vs. The Tamil Nadu Wakf Board and others*, in W.P. No.11113 of 2025 dated 26.03.2025, where this Court held that after considering the decisions in *Mohammed Yusuf* case, as per the Scheme, elections have to be conducted and the dispute that is pending in the Writ Appeal will not require the Authorities to await the decision in the Writ Appeal, to conduct elections.



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8. Mr.N.A.Nassir Hussain, learned counsel for the petitioner has also relied on the Circular of the Waqf Board, dated 21.07.2025, where referring to *Special Resolution Item No.5 of 1990, dated 14.06.1960, it has been ordered that the Muthavalli/Managing committee's term will get automatically expired, after they complete their terms unless their terms of Office is duly renewed by the Tamil Nadu Waqf Board and they shall hand over the charge either to the Superintendent of Waqfs or Waqf Inspector concerned and a direction was issued to the Superintendent of Waqfs and the Waqf Inspector to take action for proper administration of the Waqf well in advance, atleast before six months to ensure that Scheme is approved by the Board and new management is selected/elected as per the Scheme.*

9. I have carefully considered the submissions advanced by the learned counsel on either side.

10. As contended by the Mr.Mohammed Fayaz Ali, learned Standing Counsel for Waqf Board, the request for amendment of the Scheme which



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has emanated from a section of the members of the Waqf, is independent of the conduct of elections. Admittedly, the tenure of the present management committee has expired even as early as in January 2024. Even in terms of the Circular of the Waqf Board, the outgoing Managing Committee members will have to handover the charge, on the expiry of the period, unless the terms of the Office has been renewed by the Waqf Board. Admittedly, in the present case, the tenure of the Committee has been extended for a period of six months, which has also expired in July 2025. Therefore, there is absolutely no impediment for the Board to conduct elections in terms of the present Scheme.

11. Mr.Kaja Navas, learned counsel would also point out that there are more than 100 voters who are already dead and gone and certain third party outsiders are also included in the list and there is possibility of fake votes being polled in the elections. The Chief Election Officer can address the said issue by ensuring that the proper voters list prepared before the elections have conducted. It is not a ground to defer the elections, especially considering that the Committee's tenure has ended even in



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January 2024. The tenure of the present Committee, admittedly having lapsed, the amendment can wait and the newly appointed Managing Committee along with the Muthawalli can take a call on this after the election.

12. In the light of the above, I am inclined to direct the first respondent through its Chief Election Officer to commence the process of conduct of elections of the Managing Committee of Waqf and conclude the process within a period of three (3) months. The grievances of the 4th respondent, as far as possible, for the conduct of elections shall be taken into account by the Chief Election Officer.

13. Accordingly this Writ Petition is Disposed of/allowed with the above directions. Consequently, connected Miscellaneous Petition is also closed. No costs.

24.11.2025

rkp

Index: Yes/No

Internet: Yes/No



To

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P.B.BALAJI.J.,

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