



W.P No.38202 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.Nos.38202 and 38208 of 2025
and W.M.P Nos.42689, 42692 and 42697 of 2025**

A.Muhammad Hasan Basheer
President, Avoor Islamic Educational Trust
Son of Abdul Rasheed
No.2-84, Main Road, Avoor
Valangaiman Taluk
Tiruvarur District-612 701

... Petitioner
in both the petitions

Vs.

1.The Tamil Nadu Waqf Board
Rep. by its Chief Executive Officer
No.1, Jaffar Syrang Street
Vallal Seethakathi Nagar
Chennai-600 001.

2.M.Umar Khattar

... Respondents
in both the petitions

Prayer in W.P No.38202 of 2025 : The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records culminating in the impugned order dated 16.09.2025 (CM Order in Na.Ka.No.7981/09/A7/THiruvarur) passed by the 1st respondent and quash the same as arbitrary, illegal, ultra vires, void ab initio, violative of principles of natural justice and wholly without jurisdiction.



W.P No.38202 of 2025

Prayer in W.P No.38208 of 2025 : The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records culminating in the resolution in Na.Ka.No.10857/23/A7/THIRUVARUR dated 31.08.2023 passed by the 1st respondent Tamil Nadu Waqf Board approving the purported elected committee of the Masjid under the leadership of the 2nd respondent, quash the same as illegal, arbitrary, void ab initio and contrary to custom, and consequently issue a mandamus directing the 1st respondent to adhere to the customary practice of "selection by Jamath as per custom" as recorded in the proforma of 1955, and to constitute the Masjid Committee strictly in accordance with such selection.

In both petitions

For Petitioner : Mr.Srinivasan, Senior Counsel
For Mr.N.Anwar Sadath

For Respondents : Mr.Abdul Mubeen

COMMON ORDER

W.P.38202 of 2025 is filed challenging the impugned order dated 16.09.2025 passed by the 1st respondent.

W.P No.38208 of 2025 is filed challenging the resolution dated 31.08.2023 passed by the 1st respondent and consequently, issue a mandamus directing the 1st respondent to adhere to the customary practice of "selection by Jamath as per custom" as recorded in the proforma of 1955, and to constitute the Masjid Committee strictly in accordance with such selection.



W.P No.38202 of 2025

2. The case of the petitioner in W.P No.38302 of 2025 is that the petitioner Trust was lawfully constituted under a registered Trust Deed and manages M.F Memorial Nursery & Primary School, established in 2013 and now upgraded to 10th standard, catering to 250 students. The School (G.S.No.377) and the mosque (G.S No.376) are separate legal entities. The Trust administers the school, while the mosque is a Waqf institution. A rental agreement exists, with the Trust paying rent to the mosque for use of the land. The building and administration belonged to the Trust. The impugned order directing the petitioner Trust to hand over of school administration to the 2nd respondent Mosque committee is arbitrary, without jurisdiction, violative of natural justice and based on fabricated enquiry proceedings. The 2nd respondent's committee itself is illegally constituted, contrary to the 1955 proforma, which requires selection by Jamath and not election. The Waqf Board has no jurisdiction over the superstructure and administration of the school run by a registered Trust. Challenging the impugned order passed by the 1st respondent, the present writ petition is filed.

3. The case of the petitioner in W.P No.38208 of 2025 is that the governance of the Masjid is regulated by the proforma 1955 which categorically prescribes that the committee shall be constituted by "*selection by Jamath as per custom*" and not through elections. In disregard of this binding



W.P No.38202 of 2025

proforma, the Waqf Board conducted an election and approved the committee, which is wholly illegal and void ab initio. The imposition of elections has undermined the sanctity of custom, deprived the Jamath of its customary rights, and created factionalism and unrest in the community. Challenging the impugned resolution, the present writ petition is filed.

4.The learned Senior Counsel appearing for the petitioner in both the petitions would submit that without going into merits of the case, this Court may permit the petitioner to approach the Waqf Tribunal for passing appropriate orders.

5.Recording the submissions made by the learned Senior Counsel for the petitioner, and without interfering with the impugned orders passed by the 1st respondent, these two writ petitions are disposed of with liberty to the petitioner to approach the Wakf Tribunal for passing appropriate orders. No costs. Consequently, connected miscellaneous petitions are closed.

09.10.2025

uma

Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

Page 4 of 6



W.P No.38202 of 2025

WEB COPY

To
The Tamil Nadu Waqf Board
Rep. by its Chief Executive Officer
No.1, Jaffar Syrang Street
Vallal Seethakathi Nagar
Chennai-600 001.



WEB COPY



W.P No.38202 of 2025

M. DHANDAPANI, J.

uma

**W.P.Nos.38202 & 38208 of 2025
and W.M.P Nos.42689,
42692 & 42697 of 2025**

09.10.2025