



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 16-10-2025**

CORAM

**THE HONOURABLE MR JUSTICE M.DHANDAPANI**

**WP No. 39210 of 2025**

**and**

**WMP.Nos. 44013 & 44020 of 2025**

1. A.J.Mohammed Fazil  
Joint - Mutawalli, Jummah  
Pallivasal, Durugam Road,  
Keezhthakka, Kallakurichi- 606 202.

Petitioner(s)

Vs

1. The Tamil Nadu Waqf Board,  
Rep. By Its Chief Executive Officer,  
No.1, Jaffer Syrang Street,  
Vallalseethakathi Nagar, Chennai- 600 001.

2. The Chief Executive Officer,  
Tamil Nadu Waqf Board,  
No.1, Jaffer Syrang Street,  
Vallalseethakathi Nagar, Chennai- 600 001.

3. The Superintendent Of Waqf,  
Tamil Nadu Waqf Board,  
Cuddalore Zone / Executive Officer,  
Kallakurichi.

Respondent(s)



**PRAYER:-** Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of Certiorari, calling for the records pertaining to impugned resolution Na.Ka. No.8878/ 24/AA10/CUD dated 16.07.2025 passed by the 1st respondent and the consequential proceedings bearing Na.Ka. No.8878/ 24/ AA10/ CUD (Se. Mu. Order. 8878/ 24/ AA10/ CUD) dated 16.09.2025 issued by the 2<sup>nd</sup> respondent, and quash the same as illegal, arbitrary, and without jurisdiction and consequently direct the respondents to restore the petitioner as hereditary Managing Mutawalli of the Keezhthakka Jummah Pallivasal Waqf, Kallakurichi.

For Petitioner(s): Mr.A.Raja Mohamed

For Respondent: Ms.V.Srimathi

### **ORDER**

This Writ Petition has been filed challenging the impugned resolution passed by the 1<sup>st</sup> respondent dated 16.07.2025 and to direct the respondents to restore the petitioner as hereditary Managing Mutawalli of the Keezhthakka Jummah Pallivasal Waqf, Kallakurichi.

2. The learned counsel appearing for the petitioner would submit that the petitioner is a Heridetary Mutawalli of the Keezhthakka Jummah Pallivasal Waqf situated at Kallakurichi – Chennai Highway, Durugam Road. The Mosque was established 300 years ago and, initially the Waqf was established



by Sheikh Ahamed in the year 1943 and thereafter, his sons and descendants continued as Hereditary Mutawallis. The Tamil Nadu Waqf Board / 1<sup>st</sup> respondent vide proceedings dated 27.03.2000 recognizing Hereditary Trustee, appointed the petitioner's brother as a Managing Trustee, in which, the petitioner is a Co-Muttawalli. In the year 2012, without any allegation of mismanagement, the Waqf Board wrongly assumed direct management, during which, several tenants turned encroachers and raised illegal constructions in the Waqf property.

3. In the year 2022, the Management was reconstituted and appointed the petitioner as Muttawalli along with the five others. Challenging the said appointment, one Anwar Basha filed O.A.No.90 of 2022 on the file of the Tamil Nadu Waqf Tribunal, Chennai. Subsequently, there are lot of litigations in between the Muttawallis and several orders were passed by this Court. However, without believing the petitioner as a Co-Mutawalli, the present impugned order was passed on 16.07.2025, appointing new Muttawallis. Challenging the same, the present Writ Petition is filed.



4. The learned counsel appearing for the petitioner would submit that the new Muttawallis, who are appointed under the impugned orders are encroachers and they are encroaching the Waqf property. He would submit that without relieving the encroachments, recognising them as Muttawalli is an not acceptable one. Though some of the persons filed amendment petition in O.A.No.96 of 2022 for challenging the very same impugned order before the Tribunal, it is does not mean it disentitle the petitioner to approach this Court to challenge the impugned orders. Accordingly, the petitioner prayed for appropriate orders.

5. Per contra, the learned counsel for the respondents would submit that already the present impugned order and the earlier appointment of Muttawalli, including the petitioner was pending before the Waqf Tribunal in O.A.Nos.90 & 96 of 2022, including the amendment petition and, further the present Muttawallis, who are appointed under the impugned order have not been included as a parties in the Writ Petition. Accordingly, he prayed for dismissal of the writ petition.



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6. In view of the submission made, this Court is of the view that without impleading the present Mutawallis, filing the present Writ Petition is not acceptable one and, further the very same issue is pending before the Waqf Tribunal in O.A.Nos. 90 & 96 of 2022 and the same cannot be adjudicated in the present writ petition, since it is a disputed question of fact.

7. Accordingly, this Writ Petition is dismissed with liberty to the petitioner to canvass all his points before the Waqf Tribunal by filing fresh OA or by way of amendment petition. No costs. Consequently, connected miscellaneous petitions are closed.

**16-10-2025**

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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**M.DHANDAPANI J.**

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