



W.P.No.42104 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.42104 of 2025

And

W.M.P.Nos.47150 and 47152 of 2025

Nawab Fazeelathunnisa Begum Sahiba Mosque
And Endowment Waqf,
Represented by its Executive Muthawalli
Muhammad Mujeebur Rahman
S/o.Abdul Rahman,
At No.796, Old No.419,
Anna Salai, Nandanam,
Chennai – 35.

... Petitioner

Vs.

- 1.The Branch Manager,
Indian Bank,
Nandanam,
Chennai – 600 035.
- 2.The Tamil Nadu Wakf Board,
Rep. By its Chief Executive Officer,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 1.

3.N.Ayub Khan

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Mandamus forbearing the first respondent from any



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manner preventing the petitioner from operating its bank account bearing No.423843327 maintained with the first respondent bank.

For Petitioner : Mr.Nassir Hussain
for Dr.M.Devendran

For Respondents : Mr.Abdul Mubeen for R2
Mr.Mukunth for R3
Senior Counsel
for M/s.S.Aishwarya

ORDER

This writ petition has been filed seeking issuance of Writ of Mandamus forbearing the first respondent from any manner preventing the petitioner from operating its bank account bearing No.423843327 maintained with the first respondent bank.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the Executive Muthawalli of Nawab Fazeelathunnisa Begum Sahiba Mosque And Endowment which is a notified Wakf under the supervisory control of the Tamil Nadu Wakf Board and is governed by a scheme decree dated 10.02.1941 in O.S.No.63 of 1940 on the file of Sub Court, Chengalpet. The Managing Committee was constituted by the wakf board vide proceedings dated 16.12.2023 and as per the Scheme, the seven trustees shall elect one



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amongst them as the Executive Muthavalli and the tenure of Executive Muthavalli is for three years. Accordingly the petitioner was elected as Executive Muthavalli on 18.12.2023 and the same was also recognized by the Wakf Board, however, the third respondent on the premise that the petitioner has been removed from the post of Executive Muthavalli, attempted to disrupt the administration of the Wakf and freezed the Bank account of the Wakf maintained with the first respondent.

3.The learned counsel appearing for the petitioner further submitted that therefore, the petitioner filed W.P.No.18239 of 2025 seeking direction to the respondents 1 and 2 therein to take action against the private respondents therein for violating the terms of appointment and for carrying out the directions of the Wakf Board as per Sections 64(1)(j) and 61(1A) of the Unified Wakf Management Empowerment Efficiency and Development Act, 1995, and this Court vide order dated 15.05.2025 granted an order of interim injunction, in the said writ petition, pursuant to which, the bank account was defreezed and subsequently, at the time of final disposal of the said writ petition, the respondents 1 and 2 therein contended that each Muthavalli will form part of the Committee and if he has to be removed



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even from the position of the Executive Muthavalli, the sanction of the Wakf Board is required, however, contrary to the said order, the first respondent is repeatedly interfering with the operation of the bank account at the behest of the third respondent, which is not sustainable one.

4.The learned counsel appearing for the second respondent submitted that as on date, the petitioner is not removed from the post of Executive Muthavalli of the Wakf, however, enquiry is pending as against the petitioner at the instance of the third respondent and other trustees.

5.The learned Senior Counsel appearing for the third respondent vehemently contended that the petitioner acted against the interest of the Wakf, thereby extraordinary trust meeting was conducted and the trustees decided to remove the petitioner from the post of Executive Muthavalli, however, that removal is subject to the decision to be taken by the second respondent Wakf Board and during this period, the petitioner is not entitled for operating the bank account with the first respondent.



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6. Heard the learned counsel appearing for the petitioner, learned counsel appearing for the second respondent and the learned Senior Counsel appearing for the third respondent and perused the materials available on record. Since this Court is not inclined to pass any adverse order as against the first respondent, notice to the first respondent is dispensed with.

7. It is undisputed fact that the petitioner was elected as Executive Muthavalli of Nawab Fazeelathunnisa Begum Sahiba Mosque And Endowment Wakf on 18.12.2023 and the same was also recognized by the Wakf Board. The second respondent admits that as on date, the petitioner is not removed from the post of Executive Muthavalli of the Wakf. Hence, preventing the petitioner from operating the bank account of the said Wakf is not sustainable one.

8. In view of the above, the first respondent is directed to defreeze the account of the said Wakf and allow the petitioner to operate the said account till a decision is taken by the second respondent Wakf Board. If any communication with regard to the removal of the petitioner from the post of Executive Muthavalli is



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received from the second respondent, then immediately, the first respondent shall pass appropriate orders, based upon the direction issued by the second respondent.

9.The writ petition is disposed of on the above terms. No costs. Consequently, the connected miscellaneous petitions are closed.

20.11.2025

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

To

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