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W.P.No.50435 of 2025

W.P.No.50435 of 2025 and
W.M.P.No.56461 of 2025

V.LAKSHMINARAYANAN, J.

The matter was listed 'for being mentioned' today at the request of Mr.Haja Mohideen Gisthi, learned Standing Counsel for respondents 1 to 3. He points out that the stay application number in Paragraphs 3 and 6 has been wrongly mentioned as I.A.No.743 of 2025 instead of I.A.No.333 of 2025.

2. Mr.Sajeev Kumar learned counsel appearing for the petitioner states that the submission of Mr.Haja Mohideen Gisthi is correct.

3. Hence, the stay application number shall be corrected to I.A.No.333 of 2025 in paragraphs 3 and 6. Registry shall carry out the correction and issue a fresh order copy to the parties.

24.04.2026



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W.P.No.50435 of 2025

V.LAKSHMINARAYANAN, J.

KST

W.P.No.50435 of 2025

24.04.2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-12-2025

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CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No. 50435 of 2025

and

WMP.No.56461 of 2025

Janab T.Jeelani

Petitioner(s)

Vs

1. Tamil Nadu Waqf Board
Rep by its Chairman, No 1, Jaffar
Syrang Road, Vallal Seethakathi Nagar,
Chennai 600 001

2.The Chief Executive officer
Tamil Nadu Waqf Board, No 1, Jaffar
Syrang Road, Vallal Seethakathi Nagar,
Chennai 600 001

3.The Inspector of Waqf,
Tamil Nadu Waqf board, Office of the
Superintendent of Waqf, No 8, Bahadur
Shah Mosque Complex,
Sainathapuram 632 001,
Vellore District

4.Syed Imdad Ali
S/o Syed Azeemuddia Hussaini, No 8A
Umar Street, Sirukadambur, Gingee,
Pin Code 604 202, Villupuram District.

Respondent(s)



PRAYER

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, restraining the 1st and 2nd respondents, their men, agents, or anyone acting on their behalf from interfering with the administration and management of the petitioner as Muthavalli in Syed Ameenuddin Shah Avlia Chisti Tomb Waqf at Old Bus Stand, Vellore Town, Vellore District pending disposal of O.A. No 59 of 2025 on the file of the Hon'ble Tamil Nadu Waqf Tribunal.

For Petitioner(s): Mr.K.V.Sajeev Kumar

For Respondent: Mr.S.Haja Mohideen Gisthi
Senior Standing Counsel
(For R1 to R3)

ORDER

Heard Mr.K.V.Sajeev Kumar, learned counsel for the petitioner and Mr.S.Haja Mohideen Gisthi, learned Senior Standing Counsel for respondents 1 to 3.

2. In the light of the order that I am going to pass, notice is dispensed with on the 4th respondent.

3. There exists a Dharga in Vellore under the name and style of Syed Ameenudin Shah Avlia Chisti Tomb Waqf. It is a surveyed and notified Waqf. The Waqf Board has after enquiry, appointed the 4th respondent as the hereditary



Muthawalli by an order dated 23.01.2025. The 2nd respondent issued the consequential proceedings on 11.04.2025. Challenging the order of the Waqf Board, the petitioner herein has moved the Tamil Nadu State Waqf Tribunal in O.A.No.59 of 2025. He has also filed a Stay application in I.A.No.743 of 2025. Notice has been ordered in the same.

4. It is the grievance of Mr.Sajeev Kumar that the Waqf Board is not filing its counter before the Tribunal and has been seeking adjournment before the said authority. Simultaneously, after the receipt of the letter from the 4th respondent, the 2nd respondent has given directions to the Superintendent of Police, Vellore, to afford police protection to the 4th respondent to take charge as the hereditary Muthawalli. Mr.Sajeev Kumar states that as on today, it is the petitioner, who is in management of the Waqf.

5. Mr.Haja Mohideen Gisthi says that the order of the Waqf Board on 24.01.2025 had been implemented on 11.04.2025. Hence, this petition is infructuous. A perusal of the typed set of papers shows that on 30.09.2025, the 2nd respondent has written a letter, calling upon the Superintendent of Police, to afford protection to the 4th respondent to take charge. This shows atleast till 30.09.2025, the orders had not been implemented.



6. When an order is challenged before the appropriate authority/Tribunal and when the respondents are taking time, it does not lie in their mouth to implement the same, stating that no orders have been passed by the Tribunal and hence, they are free to implement the same. They are not entitled to present a *fait accompli* to the Tribunal. I am of the view that the entire issue can be resolved by giving a direction to the Tamil Nadu State Waqf Tribunal to take up the stay application in I.A.No.743 of 2025 in O.A.No.59 of 2025 and dispose of the same by 30.01.2026. The hearing of the stay application is said to be scheduled on 21.01.2026 and that too on the request of the Tamil Nadu Waqf Board. Hence, the writ petition is disposed of, directing the Tamil Nadu State Waqf Tribunal to dispose of the stay application in I.A.No.743 of 2025 in O.A.No.59 of 2025 by 30.01.2026. In the meantime, no precipitative action will be taken by the respondents 1 to 3. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

26-12-2025

mmi/kak

Index: Yes/No

Neutral Citation: Yes/No



To

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1. Tamil Nadu Waqf Board

Rep by its Chairman, No 1, Jaffar
Syrang Road, Vallal Seethakathi Nagar,
Chennai 600 001

2. The Chief Executive officer

Tamil Nadu Waqf Board, No 1, Jaffar
Syrang Road, Vallal Seethakathi Nagar,
Chennai 600 001

3. The Inspector of Waqf,

Tamil Nadu Waqf board, office of the
Superintendent of Waqf, No 8 Bahadur
Shah Mosque Complex, Sainathapuram
632 001 Vellore District

4. Syed Imdad Ali

S/o syed Azeemuddia Hussaini, No 8A
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V.LAKSHMINARAYANAN J.

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