



W.P.(MD)No.5137 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 11.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.5137 of 2025

and

W.M.P.(MD)No.3737, 3739 & 3741 of 2025

A.Mohamed Riyaz

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Department of Minority Welfare,
Fort St. George,
Chennai.
2. The Tamil Nadu Waqf Board,
Represented by its Chief Executive Officer,
Jaffer Syrang Street,
Vallalseethakathi Nagar,
Chennai.
3. The Chairman,
Tamil Nadu Waqf Board,
Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai.



W.P.(MD)No.5137 of 2025

4. Nawax Kani,
Chairman,
Tamil Nadu Waqf Board,
Member of Parliament,
Jaffer Syrang Street,
Vallalseethakathi Nagar,
Chennai.

5. The Superintendent of Waqf,
Thanjavur Region,
Tamil Nadu Waqf Board,
Thanjavur,
Thanjavur District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notification issued by the 5th respondent in SA.M.THA.E/090/Varaikalai/2025 dated 28.01.2025 and quash the same as illegal and consequently forbear the respondents from dealing or alienating or subjecting the property belonging to Hazrat Sheransha Khadiri Durga @ Gundu Taikkal Endowment, Pudhupatinam, Thanjavur without strictly following the Waqf Properties Lease Rules 2014.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondents : Mr.P.Thilakkumar (R1)

Government Pleader

Mr.S.A.Ajmal Khan (R2 to R5)

Standing Counsel



W.P.(MD)No.5137 of 2025

ORDER

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(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The tender notification issued by the fifth respondent on 28.01.2025 is sought to be assailed in the present writ proceedings.

2. The impugned proceeding is susceptible to an appeal before the Waqf Tribunal under Section 83(5) of the Waqf Act, 1995. When an efficacious alternate remedy contemplated under the Waqf Act, 1995 and the Waqf Tribunal is functioning, the writ petition is not maintainable. The Waqf Tribunal is a body with expertise and conduct adjudication in an effective manner into the grounds raised by the petitioner. Granting liberty to the petitioner to approach the Tribunal, the present writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S., J.) & (A.D.M.C., J.)

11.06.2025

NCC : Yes / No

Index : Yes / No

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W.P.(MD)No.5137 of 2025

S.M.SUBRAMANIAM, J.

AND

DR.A.D.MARIA CLETE, J.

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To:-

- 1.The Principal Secretary,
Department of Minority Welfare,
Fort St. George,
Chennai.

W.P.(MD)No.5137 of 2025

11.06.2025