



W.P.(MD) No.10526 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2025

CORAM

THE HON'BLE MR.JUSTICE C. SARAVANAN

W.P.(MD) No.10526 of 2025

and

W.M.P.(MD) No.7864 of 2025

B.Abdulkather

... Petitioner

Vs.

- 1.The State of Tamil Nadu
Rep. by its Secretary
(B.C., M.B.C., and Minorities Welfare),
Secretariat, Fort St.George,
Chennai 600 009.
- 2.The Chairman,
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.
- 3.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.
- 4.The Superintendent of Waqf,
Trichy Zone, No.8/124,
2nd Floor, Quide Millath Road,
Palakkarai, Trichy - 8.



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5.The Inspector of Waqf,
Trichy Zone, No.8/124,
2nd Floor, Quide Millath Road,
Palakkarai, Trichy - 8.

6.The Managing Trustee,
Hazarath Nabi Sallallahu
Alaihi Vasalam Fathiha Waqf,
Office at No.7, Jalal Kudhiri Street,
Madurai Road, Trichy - 8.

7.The Male Line Trustee,
Hazarath Nabi Sallallahu
Alaihi Vasalam Fathiha Waqf,
Office at No.7, Jalal Kudhiri Street,
Madurai Road, Trichy - 8.

8.The Female Line Trustee,
Hazarath Nabi Sallallahu
Alaihi Vasalam Fathiha Waqf,
Office at No.7, Jalal Kudhiri Street,
Madurai Road, Trichy-8.

9.M.Sha Mohamed Adhikulla

10.M.Syed Salaudin

11.S.Sheik Moideen

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Quo Warranto, directing the ninth to eleventh respondents to show cause as to under what authority they claim to hold, use, enjoy, and perform the rights, duties, and privileges of the office of the Hazarath Nabi Sallallahu Alaihi Vasallam Fathiha Waqf, Trichy, and further directing that the said ninth to eleventh respondents shall not intermeddle in any manner with the said office.



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For Petitioner : Mr.G.Kalaivani
For R1 : Mr.S.S.Madhavan
Additional Government Pleader
For R9 & R10 : Mr.M.Mahaboob Athiff
For R11 : Mr.Shaazim Shagar

ORDER

The petitioner has filed this Writ Petition praying for the issuance of a Writ of Quo Warranto, directing the ninth to eleventh respondents to show cause as to under what authority they claim to hold, use, enjoy, and perform the rights, duties, and privileges of the office of the Hazarath Nabi Sallallahu Alaihi Vasallam Fathiha Waqf, Trichy, and further directing that the said ninth to eleventh respondents shall not intermeddle in any manner with the said office.

2. It is noticed that the Principal Bench of this Court had already taken a position in W.P.No.32635 of 2022, *vide* order dated 24.01.2023, in the case of ***Tajuddin A. vs. The Chief Executive Officer, Tamil Nadu Wakf Board and another***, holding that a writ petition for quo warranto against a Muthavalli is not maintainable, and that the aggrieved person, at



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best, may approach the Waqf Tribunal under Section 83 of the Waqf Act,

1995. The relevant portion of the order reads as under:

This writ petition has been filed seeking Quo Warranto against the Mutawalli. This Court is of the view that this writ petition is not maintainable. If at all the petitioner has any grievance against the Mutawalli or the Wakf the same should be adjudicated before the Wakf Tribunal and not before the Writ Court. Such view of the matter, this writ petition is dismissed as not maintainable. No costs.

3. Since the issue has now been settled by the Court in the aforesaid decision, the present Writ Petition is liable to be dismissed, with liberty to the petitioner to challenge the status of the ninth to eleventh respondents before the Waqf Tribunal under Section 83 of the Waqf Act, 1995.

4. Accordingly, this Writ Petition is dismissed with the aforesaid liberty. No costs. Consequently, the connected Miscellaneous Petition is closed.

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