



W.P.(MD).No.8650 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.8650 of 2025

and

W.M.P.(MD)No.6460 & 6461 of 2025

Alhaj M.Mohamed Ansari Saheb

... Petitioner

-vs-

The Chief Executive Officer,
The Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 1.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for records of the respondent dated 30.12.2024 in Na.Ka.No.7123/23/Aa/5 Trichy and quash the same.

For Petitioner : Mr.Nissar Ahamed
Senior Counsel
for Mr.L.Kowser Sulthana
For Respondent : Mr.D.S.Haroon Rasheed



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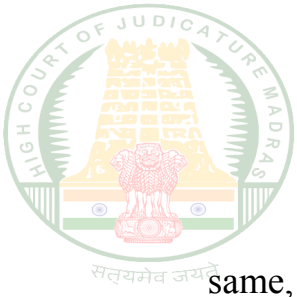
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ORDER

This writ petition has been filed challenging the order of the respondent dated 30.12.2024 in Na.Ka.No.7123/23/Aa/5 Trichy.

2. Heard the learned counsel on either side and perused the materials placed before this Court.

3. The case of the petitioner is that the petitioner is the muthavalli of the wakf namely, AI Mohamadia Mosque Wakf, Tanjore Road, Trichy and the said wakf is governed by a scheme framed by the Subordinate Court, Tiruchirappalli in O.S.No.64 of 1939 dated 04.10.1941. When the wakf board notified for selection of trustees, it was challenged by certain jamathars, which was also dismissed holding that the scheme has to be modified and the wakf board was directed to make suitable changes in the scheme decree before conduct of election. Pursuant to that, the petitioner made a draft scheme and called upon objections. The petitioner also made some objections. However, the same has not been considered. After filing of writ petitions before this Court, the Chief Executive Officer conducted enquiry and the petitioner once again filed his objections. On consideration of the



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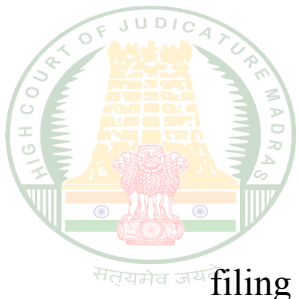
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same, the matter was referred to the Board holding that the Board is the competent authority. Pursuant to that, the Wakf board passed an order dated 09.01.2023, without hearing the petitioner.

4. The further case of the petitioner is that the board has no power or jurisdiction to appoint, remove, modify or settle the scheme and also to deal with the affairs in respect of the above wakf. Challenging the same, the petitioner filed a writ petition in WP(MD)No.15322 of 2023 and the same is also pending. While this being so, the impugned order dated 30.12.2024 came to be passed framing charges against the petitioner under Section 64 of the Wakf Act.

5. The learned counsel appearing for the respondent submits that the present impugned order is only a show cause notice, for which, the petitioner may give his explanation and on receipt of the same, necessary orders would be passed.

6. On perusal of the records, it would reveal that the notice dated 30.12.2024 is only a show cause notice and the petitioner is supposed to give reply to the show cause notice, instead, he approached this Court by way of



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filing this writ petition. Hence, this writ petition is a pre-matured one and the same lacks merit.

7. In view of the above, since the impugned notice dated 30.12.2024 is only a show cause notice, the petitioner is directed to submit his explanation to the same, enclosing all the relevant materials to disprove the charges levelled against him, within a period of three weeks from the date of receipt of a copy of this order. On receipt of such explanation, the authority concerned is directed to consider the same, after issuing notice to all the parties concerned and pass appropriate orders on merits and in accordance with law, after affording sufficient opportunity to all the parties concerned, within a period of four weeks thereafter.

8. With the above observations and directions, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

01.04.2025

NCC : Yes/No
Index : Yes / No
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TO:-

- 1.The Chief Executive Officer,
The Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
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Chennai – 1.



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VIVEK KUMAR SINGH, J.

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Order made in
W.P.(MD)No.8650 of 2025

Dated:
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