



W.P.(MD) No.15058 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.15058 of 2025

and

W.M.P.(MD) Nos.11321, 11323 & 11324 of 2025

G.Zaghir Hussian

... Petitioner

Vs

1. The Chairman,
Tamilnadu Waqf Board,
No.1, Jaffar Syrang Street,
Vallal Seedhakathi Nagar,
Chennai 600 001.
2. Chief Executive Officer,
Tamilnadu Waqf Board, No.1,
Jaffar Syrang Street,
Vallal Seedhakathi Nagar,
Chennai 600 001.
3. Waqf Superintendent,
Thanjavur District Waqf Board,
Thanjavur District.
4. Waqf Inspector,
Thanjavur District Waqf Board,



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Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records culminated in Impugned order Se.Mu.Order No.3739/24/A9/Thanjai, dated 27.02.2025 passed by the second respondent, quash the same and consequently, direct the respondents to recognize the petitioner as the hereditary Muthavalli along with his existing administrative committee members.

For petitioner :Mr. S.Vijayaganesh

For respondents : Mr.D.S.Haroon Rasheed

ORDER

The petitioner has challenged the impugned order, dated 27.02.2025 passed by the second respondent.

2. By the impugned order, a Committee has been constituted by the second respondent under Section 63 of the Waqf Act, 1995. It is the specific case of the petitioner that the petitioner's father late.Gulam Kadher was the Hereditary Muthavali of the Waqf, namely, Jamal Pirsahip Pomman Amma Thaikal Waqf located at Medical College Road, Thanjavur.



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3. It is submitted that the power exercised by the second respondent was arbitrary, as no notice was issued to the petitioner and that he is entitled to be appointed as the Hereditary Muthavali and also the family of the petitioner has been in Management of the trust property for over 400 years.

4. The learned counsel for the petitioner has also drawn attention to the certain extracts downloaded from the website of the Waqf Board, wherein the petitioner's father name has been shown as the Muthavali.

5. On the other hand, the learned counsel for the respondents/Waqf Board would draw attention to the Proforma of the said Waqf.

6. It is submitted that as per Serial No.9 to the annexure, there is no Muthavali and the entire land has to be alienated by the private sale and in Court auction.

7. It is further submitted that as per Serial No.10, it is clear that the Rule of succession to the Office of the Muthavali was not applicable to the said Waqf.



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8. It is further submitted that on 15.09.1987, the similar exercise was carried out by the Waqf Board, represented by the Secretary, wherein five members committee was appointed, in which the petitioner's father has also included as a Member.

9. It is further submitted by the learned counsel for the respondents that the petitioner's father has alienated the land of Waqf by executing power of attorney in favour of the petitioner and there are several properties, which are under the control of the petitioner. These properties have also to be recovered.

10. Having considered the submissions of the learned counsel for the petitioner and the learned counsel for the respondents and having perused the annexure to the Proforma of the Waqf Board, I am of the view that the petitioner cannot claim any right of succession to the abovesaid Waqf based on non existing Rule of succession.

11. That apart, the order of the Waqf Board, dated 15.09.1987 clearly indicates that the petitioner's father was, however, appointed as a Member of the



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Committee and in Management of the Waqf, he was misusing his power.

12. Be that as it may, the petitioner is not entitled to any right of audience and therefore, the challenge to the impugned order does not have merit for interference. Therefore, this Writ Petition is liable to be dismissed. However, liberty is given to the petitioner to challenge the same before the Waqf Tribunal under Section 83 of the Waqf Act, 1995.

13. That apart, it is noticed that the petitioner has also not impleaded the present Committee Members in the Writ Petition.

14. This Writ Petition is dismissed, with above liberty. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes / No
apd

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C.SARAVANAN, J.

apd

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