



W.P(MD)No.15299 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2025

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD)No.15299 of 2025

and

W.M.P(MD)No.11574 to 11576 of 2025

Sulthan Ibrahim

... Petitioner

Vs.

1.The Chief Executive Officer,
Wakf House,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.

2.The Secretary,
Jumma Thozhugai Pallivasal,
Samayanallur, Madurai.

3.The Wakf Inspector,
Madurai.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the entire records pertaining to the records in ந.க.எண்.13335/13/ஆ8/மதுரை dated 04.01.2018 passed by the first respondent and quash the same as illegal, ultra vires.



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W.P(MD)/No.15299 of 2025

For Petitioner : Mr.S.Ramesh
For Respondents : Mr.S.A.Ajmalkhan
Standing Counsel

ORDER

This writ petition has been filed against the order of the first respondent, dated 04.01.2018, which includes the properties in New S.Nos.213/3 and 213/33 (Old S.No.42/1A) in the annexure to the proforma of the second respondent.

2. It is the case of the petitioner that the petitioner has been in possession of the properties for over 70 years and above and that in respect of the same, there was a dispute with the second respondent. Therefore, the petitioner has escalated a suit before the District Munsif Court, Madurai, in O.S.No.140 of 2015 and the said suit is still pending. It is submitted that during the pendency of the aforesaid suit, the impugned order, dated 04.01.2018 bearing ந.க.எண்.13335/13/ஆ8/மதுரை was passed including the property in respect of which already there is a dispute between the petitioner and the second respondent. Therefore, the impugned order of the first respondent is liable to be quashed.



W.P(MD)/No.15299 of 2025

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3. In this connection, the learned counsel for the petitioner has drawn attention to Section 4 and 5 of the Wakf Act, 1995. It is submitted that mandatory procedure prescribed under Section 4(3) and 4(4) of the Wakf Act has not been followed and the petitioner may have an alternate remedy before the Wakf Tribunal in terms of Section 6 of the Wakf Act. However, the impugned order has been passed based on the report of the Inspector of Wakf, Madurai, dated 14.11.2017, which was behind the back of the petitioner.

4. On the other hand, the learned Standing Counsel for the respondents would submit that the petitioner ought to have filed an appeal under Section 6 of the Wakf Act within one year from the date of publication of the list. Therefore, the present writ petition, filed in the year 2025 after a lapse of seven years, is liable to be dismissed. In any event, the petitioner ought to have approached the Wakf Board and not this Court as the petitioner has an alternate remedy.

5. I have considered the arguments advanced by the learned counsel for the petitioner and the learned Standing Counsel for the respondents.



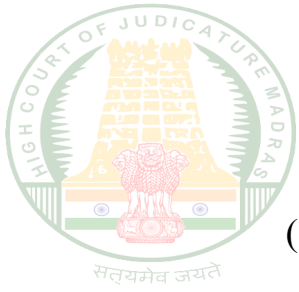
W.P(MD)/No.15299 of 2025

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6. The impugned proceedings are based on the report of the Inspector of Wakf, Madurai, dated 14.11.2017. Prior to this, the petitioner had already approached the District Munsif Court, Madurai in O.S.No.140 of 2015 for bare injunction. The said suit is admittedly pending before the said Court. There has been a violation of principles of natural justice, as the impugned order has been passed without due compliance with the requirements of Section 4 of the Wakf Act, 1995. At the same time, a mere prayer for bare injunction is not sufficient. The petitioner has to seek for an appropriate relief before the concerned Court for declaration that the petitioner is entitled to rights over the lands.

7. Therefore, this writ petition is disposed of with the following directions:

- (i) The impugned order is quashed and the respondents shall redo the exercise afresh after due notice to the petitioner.
- (ii) In case, the petitioner wants to declare the title over the lands, the petitioner has to move suitable application in O.S.No.140 of 2015 pending before the District Munsif Court, Madurai for declaratory relief.



W.P(MD)/No.15299 of 2025

(iii)The respondents shall pass appropriate orders on merits and in accordance with law within a period of 6 months from the date of receipt of a copy of this order.

(iv) It is open to the petitioner to move suitable application before the District Munsif Court, failing which, the first respondent is at liberty to pass the same order afresh.

No costs. Consequently, the connected miscellaneous petitions are closed.

09.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1.The Chief Executive Officer,
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No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.

2.The Secretary,
Jumma Thozhugai Pallivasal,
Samayanallur, Madurai.

3.The Wakf Inspector,
Madurai.

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W.P(MD)No.15299 of 2025

C.SARAVANAN, J.

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W.P(MD)No.15299 of 2025

09.06.2025