



W.A.(MD)No.2206 of 2025

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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DATED : 01.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN  
and  
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

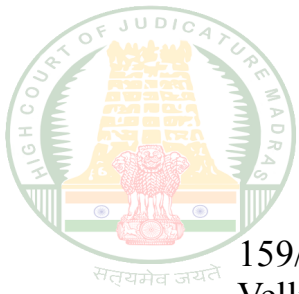
**W.A.(MD)No.2206 of 2025  
and  
C.M.P.(MD)Nos.12572 and 12573 of 2025**

K.Shahul Hameed

... Appellant

Vs.

1. Islamia Uravinmurai Trust Board,  
Rep. by the Vice President,  
M.Mohammed Sathik Ali.
2. The Chairman,  
Tamil Nadu Wakf Board,  
No.1, Jaffer Syrang Street,  
Vallal Seethakathi Nagar,  
Chennai - 600 001.
2. The Tamil Nadu Wakf Board,  
Rep. by its Chief Executive Officer,  
No.1, Jaffer Syrang Street,  
Vallal Seethakathi Nagar,  
Chennai - 600 001.
3. The Wakf Superintendent,  
Tamilnadu Wakf Board,



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159/3, Tharppasayanam Road,  
Vellipattinam,  
Ramanathapuram - 623 504.

... Respondents

**Prayer :** Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.16260 of 2025 dated 18.06.2025 on the file of this Court.

For Appellant : Mr.L.Gavaskar

For Respondents : Mr.A.N.Ramanathan,  
For Mr.B.Anandan for R1.  
Mr.D.S.Haroon Rasheed,  
Standing Counsel for R2 to R4.

**JUDGMENT**  
**(By G.R.SWAMINATHAN, J.)**

The appellant is one of the jamathars of Islamia Uravinmurai Trust Board, Veeracholan Village, Thiruchuzhi Taluk, Virudhunagar District. This writ appeal is directed against the order dated 18.06.2025 passed by the learned Single Judge disposing of W.P.(MD)No.16260 of 2025 filed by Islamia Uravinmurai Trust Board.



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2.It is not in dispute that there is a pro forma in respect of the said Wakf. However, by-laws have been recently amended and a new scheme of administration has been framed. Questioning the same, the appellant herein has filed an appeal before the Tamil Nadu Wakf Tribunal, Chennai (A.A.No.3 of 2023). One of the jamathars filed a petition before the Wakf Superintendent, Ramanathapuram for conducting election as per the new scheme of administration. The request was rejected by citing the pendency of the aforesaid appeal filed by the appellant and others. Challenging the proceedings dated 12.07.2024 issued by the Wakf Superintendent, Ramanathapuram, W.P.(MD)No.16260 of 2025 came to be filed. The learned Single Judge disposed of the writ petition in the following terms:-

*“6. It is noticed that the tenure of the previous Committee came to an end on 18.03.2024, which was appointed earlier on 19.03.2024. Thereafter, a new Committee has not been appointed.*

*7. It is in its background, the report of the Chief Executive Officer of the Wakf, which has been placed before the Wakf. Hence, a decision has to be taken based on the existing by-laws. Therefore, there shall be a direction to the respondents to*



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*constitute the Administrative Committee, strictly in accordance with the provisions of the existing by-laws within a period of thirty (30) days from the date of receipt of a copy of this order.*

*8. Considering the fact that the tenure of the previous Committee came to an end on 18.03.2024, this is without prejudice to the rights of the Official respondents to initiate any action for any malfeasance and misfeasance in accordance with the Wakf Act.”*

3.The question that calls for consideration is whether this order deserves to be interfered with.

4.It is true that the appellant and others have availed the statutory remedy under Section 69 of the Wakf Act, 1995 and challenged the new scheme of administration before the Wakf Tribunal. The learned counsel for the appellant claims that in view of the second proviso to Sub Section 3 of Section 69 of the Wakf Act, 1995, he is not in a position to obtain any interim order.



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5.It is pointed out that this proviso was recently deleted and that the Tribunal is very much having the power to grant interim order. We endorse the said submission.

6.Be that as it may, so long as the new scheme in operation, the learned Single Judge was right in directing the holding of selection as per the new scheme.

7.However, it is also stated that if a new set of office bearers are selected, their tenure will be for a period of three years. We have to necessarily take note of the pendency of appeal filed by the appellant and others. We, therefore, declare that any selection held pursuant to the order of the learned Single Judge will have to necessarily abide by the outcome of the appeal filed before the Tribunal. We direct the Tamil Nadu Wakf Tribunal, Chennai to dispose of A.A.No.3 of 2023 on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order.



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8.The learned counsel for the appellant also claims that the officer bearers and those in management of the wakf are resorting to ex-communication. We declare that ex-communication in any form is unconstitutional as it would lead to gross breach of fundamental as well as the civil rights of such individuals. If any such ex-communication is brought to the notice of the jurisdictional police or the district administration, they are obliged to take immediate action to redress the situation.

9.This writ appeal is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

**(G.R.S. J.,) & (K.R.S. J.,)**  
**01.08.2025**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
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**Note: Issue order copy on 05.08.2025.**

**Copy to:**

Tamil Nadu Wakf Tribunal,  
Chennai.

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**K.RAJASEKAR, J.**

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