

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

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DATED : 22.10.2025**CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P.(MD)No.22417 of 2025 AND**
W.M.P.(MD)No.17503 of 2025

K.Mohideen Pitchai

... Petitioner

Vs.

1. The Tamil Nadu Waqf Board,
Rep. by its Chief Executive Officer,
No.1, Jaffer Syrang Street, Vallal Seethakathi Nagar,
Chennai – 600 001.
2. The Superintendent of Waqfs,
Ramanathapuram Circle,
O/o.the Superintendent of Waqf,
Tamil Nadu Waqf Board,
No.176/11, 1st Floor, Thoppa Sayanam Road,
Vellipattinam,
Ramanathapuram – 623 504.
3. The President,
Vaazhavanthapuram Muslim Committee,
Aruppukkottai – 626 101,
Virudhunagar District.
4. The Secretary,
Vaazhavanthapuram Muslim Committee,
Aruppukkottai – 626 101,
Virudhunagar District.



5. S.Mohamed Anipa

(R-5 is impleaded vide order dated 22.10.2025

WEB COPY in W.M.P.(MD)No.19979 of 2025.)

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent in செ.மு.ஆணை. 7867/13/A11 dated 23.06.2025 and quash the same and direct the respondent to act on the representation of the petitioner dated 27.12.2024 and 07.07.2025 and also direct the first respondent to cancel the impugned order and to re-conduct the Board election and to hinder as on members to be elected in future who involved in forgery for the post within the time frame as may be fixed by this Court.

For Petitioner : Mr.M.Mohamed Fazil

For R-1 & R-2 : Mr.S.A.Ajmal Khan,
Standing counsel.

For R-3 & R-4 : Mr.P.S.Subbaraman

For R-5 : Ms.P.Nageshwari

* * *

ORDER

Heard both sides.



2. The case on hand pertains to the affairs of Vaazhavanthapuram Khader Avuliya Jumma Pallivasal, Aruppukkottai Taluk, Virudhunagar District. One group claimed that election was held on 25.12.2024 and applied to the Wakf Board for recognising their election. Accepting the said request, the impugned proceedings dated 23.06.2025 was issued. This is put to challenge in this writ petition.

3. The writ petitioner as well as the impleading respondents claimed that no election took place.

4. The writ Court cannot go into the said factual disputes. A learned Judge of this Court vide order dated **19.10.2022 in W.P.No. 18959 of 2022 (K.V.M.A.Mohammed Salahudin Vs. The Chairman, Tamil Nadu Wakf Board, Chennai)** held as follows:-

“49. The only exercise which the Waqf Board can take as to recognize the Elected Body in the General Body Meeting to see whether they enjoy the confidence of law of the Jamadar. In case, the Waqf Board comes to a conclusion that in the interest of the majority of the General Body is



not going to be served they may refuse to recognize such elected body in which case the elected member aggrieved by such decision of Waqf Board can work out their remedy before the Tribunal under Section 83 of the Waqf Act, 1995.

50. In my view, elections to the Managing Body of a Waqf is an internal affair.

51. If any elections held are not proper, the aggrieved party has to approach Waqf Tribunal under Section 83 of the Waqf Act, 1995.

52. In case, a person is aggrieved by election conducted, doors of the Waqf Tribunal is always open to challenge the same. Only remedy for an aggrieved party by an election held is to invoke the jurisdiction of the Court under Section 83 of the Waqf Act, 1995.”

5. Whether proper election was held or not cannot be decided by the writ Court. It has been held by this Court by the learned Judge in the aforesaid decision that the Waqf Board may either recognize the election or refuse to recognize the election, in either of the events, it is for the aggrieved party to go before the Waqf Tribunal. In the case on hand, the petitioner feels aggrieved by the recognition accorded by the Waqf. It is for the petitioner to move



the Waqf Tribunal. Granting such liberty to the writ petitioner, this writ petition stands disposed of. I reiterate that I have not dealt with the matter on merits. No costs. Consequently, connected miscellaneous petition is closed.

22.10.2025

NCS : Yes / No

Index : Yes / No

Internet : Yes/ No

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To:

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The Tamil Nadu Waqf Board,
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O/o.the Superintendent of Waqf,
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G.R.SWAMINATHAN,J.

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