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W.P.(MD)NO.22312 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.22312 of 2025

M.Shajahan

... Petitioner

Vs.

1. The Tamil Nadu Waqf Board,
Rep. by its Chairman,
No.1, I Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai.

2. The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, I Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai.

3. The Superintendent of Waqf / cum Election Officer,
Madurai Region, Town Hall Road,
Madurai.

4. The Executive Officer,
Melur Taluk and Town Mohaideen
Andavar Periya Pallivasal Waqf, Melur,
Madurai District.

5. S.Rabeekraja
(R-5 is impleaded vide order dated 24.10.2025
in W.M.P.(MD)No.17903 of 2025)

6. M.Liyakathali
(R-6 is impleaded vide order dated 24.10.2025
in W.M.P+(MD)No.18713 of 2025)

... Respondents



Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to hand over the administration and management of Melur Taluk and Town Mohaideen Andavar Periya Pallivasal Waqf, Melur, Madurai District to the newly elected Executed Committee Members immediately by considering the representation dated 05.07.2025.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.D.S.Haroon Rasheed,
Standing counsel for R1 to R4.

Mr.E.Mareeskumar for R5.

Mr.A.V.Saha for R6.

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ORDER

Heard both sides.

2. The case on hand pertains to the administration of Melur Taluk and Town Mohaideen Andavar Periya Pallivasal Waqf, Melur. Vide order dated **10.04.2024 in W.A.(MD)No.636 of 2024 (Halibulla Vs. M.M.R.Abdul Kareem and two others)**, the Hon'ble Division Bench of this Court directed the Waqf Board to go ahead with the preparatory measures for conducting election at the



earliest. Pursuant to the said direction, the Waqf / election officer issued notice dated 05.05.2025. The election was held on 28.06.2025. As many as 12 persons were declared as elected. Out of them, some of them including the writ petitioner herein were declared as elected unopposed. The election notification was put to challenge in O.A.No.69 of 2025 on the file of the Waqf Tribunal. It is stated that no interim order was granted by the Waqf Tribunal. It is asserted by the learned counsel for the writ petitioner as well as the learned counsel for the impleaded respondents that the elections results that were declared by the third respondent had not been formally challenged so far.

3. 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)** had categorically held that the elections to the Managing Body of a Waqf is an internal affair. If any elections held are not proper, the aggrieved party has to approach Waqf Tribunal under Section 83 of the Waqf Act, 1995. This judgment was followed by another Judge of this Court vide order dated **19.04.2023 in W.P.(MD)Nos.13695 of 2020 etc. batch.** Therefore, the Waqf Board which was mandated to



hold election by virtue of the decision of the Hon'ble Division Bench, cannot continue to squat in the management. In the case on hand also, the elections were held by the Waqf Board itself. The Waqf Board is not justified in declining to hand over the management to the elected body.

4. Liyakathali, sixth respondent herein has complained that the petitioner herein is not the management. This complaint is being enquired into by the Waqf Board. Pendency of the enquiry need not come in the way of the Waqf Board from handing over the management and administration of the Waqf Board to the elected committee. The executive officer appointed by the Tamil Nadu Waqf Board / fourth respondent herein is directed to forthwith and without any delay hand over the management and administration to the petition-mentioned newly elected body. This writ petition stands allowed accordingly. No costs.

24.10.2025

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