



W.P.(MD) No. 23110 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No. 23110 of 2025

M.Abdul Malik

... Petitioner

Vs

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

2. The Superintendent of Waqf,
Tamil Nadu Waqf Board,
Thanjavur Waqf Zone,
No.27, Neethi Nagar,
Divan Street, Court Road,
Thanjavur.

3. Scheme Trust Board of Periya Pallivasal,
Rep.by its President,
West Street,
Pandaravadai,
Papanasam Taluk,
Thanjavur District.

4. Jaffar Ali



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WEB COPY 5. Jafarullah

6. Mohamed Batcha

7. Abdul Mohamed

8. Mohamed Farook.

9. The Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

... Respondents

*(R9 is suo motu impleaded vide order dated 26.08.2025
in W.P(MD) No.23110 of 2025)*

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 and 2 to take appropriate action as against the respondents 3 to 8 in the light of proceedings in Proc.RC.No.12306/15/B7/TNJ dated 31.03.2023 passed by the first respondent within the time frame fixed by this Court.

For petitioner : Mr. A. Abdulkabur

For respondents : Mr. K.K.Senthil
Standing Counsel for R1, R2 & R9
Mr.B.Jameel Arasu for R3



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ORDER

This Writ Petition is taken up for hearing at the time of admission with the consent of the learned counsel for the petitioner, the learned Standing Counsel for the respondents 1 and 2 and the learned counsel for the third respondent and after dispensing with the notice on the respondents 4 to 8, as no adverse orders are proposed to be passed against them.

2. This Writ Petition has been filed for a Mandamus, to direct the respondents 1 and 2 to take appropriate action as against the respondents 3 to 8 in the light of proceedings in Proc.RC.No.12306/15/B7/TNJ, dated 31.03.2023 passed by the first respondent.

3. The petitioner had earlier approached this Court in W.P.(MD) No.15874 of 2020, which came to be disposed of by this Court by its order dated 19.09.2022, wherein this Court had passed the following order:

“3. The Petitioner submitted a detailed representation to the 1st Respondent, dated 20.03.2020, wherein, the financial and other irregularities were set out and sought for independent enquiry and consequential action against the 5th Respondent but no action was taken. Hence, the present writ petition.



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4. It is submitted by the learned counsel for the Respondents that the representation of the Petitioner, dated 20.03.2020 shall be considered and disposed of in accordance with law within a period of 12 weeks from the date of receipt of copy of this order, after issuing notice to all interested parties including the 5th Respondent.

5. Recording the same, the writ petition stands disposed of with a direction to the 1st Respondent to consider and pass orders on the representation of the Petitioner, dated 20.03.2020 in accordance with law within a period of 12 weeks from the date of receipt of copy of this order. No costs."

4. It is submitted that an appeal was filed by the third respondent against the aforesaid order, which came to be dismissed dated 23.11.2022 in W.A.(MD) No.1405 of 2022. Thereafter, the Chief Executive Officer/first respondent has passed an order on 31.03.2023, wherein the Chief Executive Officer has, after considering the rival submissions, concluded as under:

"The contentions of both the parties were considered. It is observed as follows;

1. The present committee of Periya Pallivasal, Pandaravadai has failed to submit the annual accounts even after the directions of the Chief Executive Officer, Tamil Nadu Waqf Board.

2. Every muthawalli shall prepare and furnish to the board a full and true statement of accounts before 1 day of July, year as per section 46 of The Waqf Act, 1995. But the said waqf failed to submit the annual accounts.

Hence with the above observation this matter is referred to the Board for considering to take action against the Muthawalli and orders.



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The representation dated 20.03.2022 of the petitioner Janab. Abdul Malik is disposed off accordingly.”

5. The petitioner wants to implement the aforesaid order by directing the Waqf Board to take action against the private respondents herein.

6. The learned counsel for the third respondent, on the other hand, submits that the private respondents have not been issued with a copy of the order dated 31.03.2023 bearing reference in Proc.RC.No.12306/15/B7/TNJ.

7. However, it is noticed that the order clearly states that a copy of the said order has been marked to the President of the Pallivasal/third respondent through Waqf Inspector and RPAD. Therefore, it is impossible for the third respondent and the private respondents to contend that the order dated 31.03.2023 bearing reference in Proc.RC.No.12306/15/B7/TNJ of the Chief Executive Officer was not served on the third respondent.

8. Be that as it may, further steps have to be taken by the Waqf Board for conducting action against the private respondents, particularly, Muthawali and



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others in terms of the order. Therefore, there is no necessity to proceed the enquiry in the collateral proceedings by giving the private respondents further time to defend themselves in the proceedings stating that the Waqf Board has no jurisdiction over the third respondent/Waqf, merely because a scheme decree was passed in O.S.No.4 of 1986 on the file of the Sub Court, Kumbakonam and an order that came to be passed subsequently in I.A.No.222 of 1986.

9. All these issues can be placed by the private respondents 3 to 8 before the Waqf Board. Since the Waqf Board is not a party to this Writ Petition, The Chairman, Tamil Nadu Waqf Board is *suo motu* impleaded as ninth respondent. Mr.K.K.Senthil, learned Standing Counsel takes notice on behalf of the ninth respondent.

10. There shall be a direction to the WAqf Board to act in furtherance with the recommendation of the first respondent/Chief Executive Officer in his proceedings, dated 31.03.2023 bearing reference in Proc.RC.No. 12306/15/B7/TNJ. Needless to state, the private respondents 3 to 8 shall also be heard.



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11. This Writ Petition is dismissed, with the above observations. No costs.

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Internet : Yes / No

apd

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C.SARAVANAN, J.

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