



W.P.(MD) No.23146 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No.23146 of 2025
and
W.M.P.(MD) Nos.18194 and 18196 of 2025**

R.Ali Masthan

... Petitioner

/vs./

- 1.The Tamil Nadu Waqf Board,
rep by its Chairman,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.
- 2.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.
- 3.Senjai Muslim Jamath Pallivasal Waqf,
CMC Road,
Senjai, Karaikudi Post & Taluk 630 001.
Sivagangai District.
- 4.K.Pakkir Mohamed

... Respondents



W.P.(MD) No.23146 of 2025

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling upon the records of the 2nd respondent passed order in Se.Mu.Order No.14896/15/AA11/Sivagangai dated 25.06.2025 and quash the same as illegal, unjust against the principle of natural justice and consequently direct the 1st and 2nd respondents to notify the statutory application filed by the petitioner on 02.10.2024 under Section 42 of the Waqf Act, 1995, for the Senjai Muslim Jamath Pallivasal Waqf.

For Petitioner : Mr.A.Ajimath Begum

For R1 & R2 : Mr.K.Jeyamohan
Standing Counsel

For R3 & R4 : Mr.Mahaboob Athiff

ORDER

This writ petition is disposed of at the time of admission after hearing the learned counsel for the petitioner, learned standing counsel for the respondents 1 and 2 and the learned counsel for the respondents 3 and 4, as there are no other disputed question of facts involved.

2.The writ petition has been filed challenging the order passed by the second respondent in Se.Mu.Order No.14896/15/AA11/Sivagangai dated 25.06.2025.



W.P.(MD) No.23146 of 2025

WEB COPY

3.This is the second round of litigation at the behest of the petitioner. The petitioner had earlier filed W.P.(MD) No.17087 of 2025, wherein, the petitioner had prayed for the following relief:-

“Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, forbearing the first respondent from approving the illegal committee announced by the fourth respondent for the Senjai Muslim Jamath Pallivasal Waqf.”

4.This Court on 25.06.2025 had passed the following order:-

“4.Considering the same, this Court is inclined to direct the official respondents to examine whether the petitioner and the fourth respondent have filed any applications for recognition under Section 42 of the Wakf Act, 1995. If such applications have been filed, the official respondents are directed to consider and dispose of the same after hearing the petitioner and the fourth respondent within a period of four weeks from the date of receipt of a copy of this order. In case the petitioner is aggrieved by the process adopted during the general body meeting on 26.09.2024, it is open to the petitioner to approach the Wakf Tribunal seeking to set aside the election purportedly held on 29.09.2024.”

5.The background to the aforesaid order has been recorded in paras 2 and 3, which reads as under:-



W.P.(MD) No.23146 of 2025

WEB COPY

“This writ petition has been filed for a Mandamus to forbear the first respondent from approving the illegal committee announced by the fourth respondent for the Senjai Muslim Jamath Pallivasal Waqf. 2. The petitioner was the erstwhile Secretary of the Senjai Muslim Jamath Pallivasal Waqf. It is the case of the petitioner that the last election was conducted by the third respondent wakf on 17.07.2016 in accordance with the proforma of the subject Wakf as per which the Rule of succession that the office is by election conducted by the Muslim jamath of Senaji, Karaikudy. It is submitted that an attempt was made in the year 2022 to hold an election. However, one of the electoral Officers was suspended on account of corruption charges and therefore, the election did not take place in the year 2022. The election was held on 29.09.2024. The petitioner was declared as the Secretary of the Wakf, along with the other officer bearers. On the other hand, the fourth respondent claims that he was elected as the President on 26.09.2024.

3.The election to the office bearers of the wakf has to follow with an application for recognizing under Section 42 of the Wakf Act, 1995. The petitioner claims to have filed an application under Section 42 of the Wakf Act. On the other hand, the fourth respondent has filed an application under Section 42 of the Act on 26.09.2024.”

6.On the same day, the impugned order has been passed by the second respondent/the Chief Executive Officer, by alluding to a resolution of the Board, which is also dated 25.06.2025 in their proceedings No.11/25 bearing Ref.Se.Mu.No.14896/15/Aa11/Sivagangai.



W.P.(MD) No.23146 of 2025

WEB COPY

7.The learned counsel for the petitioner would submit that the impugned order has been passed without due notice to the petitioner on the same day, when W.P.(MD) No.17087 of 2025 was disposed of with the above observations on 25.06.2025. On the other hand, the learned counsel for the respondents 3 and 4 would submit that the third respondent Wakf is a part of a federation of Wakf.

8.It is submitted that the petitioner and also the fourth respondent had claimed that each of them had been elected during the election held during the general body meeting of the third respondent Wakf.

9.According to the petitioner, the election in the general body meeting was held on 29.09.2024 and that the petitioner had given a representation on 02.10.2024, whereas, the fourth respondent had claimed that the election was held during the general body meeting held on 27.09.2024 and to that effect, the fourth respondent had also given a representation on 04.10.2024, who has now been recognized as Office Bearer of the third respondent Wakf.



W.P.(MD) No.23146 of 2025

WEB COPY

10.The learned standing counsel for the respondents 1 and 2 would submit that suppressing the fact that the petitioner's as also the fourth respondent's representations dated 02.10.2024 and 04.10.2024 were under consideration, the petitioner had approached this Court and had secured an order on 25.06.2025 only to delay the recognition that was to be given on 25.06.2025.

11.Having considered the submissions made by the learned counsel for the petitioner, learned standing counsel for the respondents 1 and 2 and the learned counsel for the respondents 3 and 4, I am of the view that the impugned order of the second respondent/the Chief Executive Officer, Tamil Nadu Wakf Board, purportedly in the exercise of power under Section 26 of the Wakf Act, 1995, pursuant to a resolution of the first respondent Wakf Board, dated 25.06.2025, is not inconsonance with para 4 of the order passed in W.P.(MD) No.17087 of 2025, dated 25.06.2025.

12.The said order is categorical. The petitioner was to be heard before final orders were passed. Even if an enquiry was already conducted, the same was not



W.P.(MD) No.23146 of 2025

WEB COPY

brought to the knowledge of this Court on 25.06.2025, when W.P.(MD) No.17087 of 2025 was disposed of.

13.The preamble to the order indicates that the counsel, who appeared for the respondents 1, 2 and 4 therein and appeared for the respondents in the present writ petition, are one and the same. Thus, it is evident that the impugned order as also the resolution passed by the Wakf Board are not inconsonance with the order passed in W.P.(MD) No.17087 of 2025, dated 25.06.2025.

14.Under these circumstances, the impugned order passed by the second respondent in Se.Mu.Order No.14896/15/AA11/Sivagangai dated 25.06.2025 is quashed and the case is remitted back to the second respondent to pass a fresh order on merits after hearing the petitioner.

15.It is made clear that the second respondent shall consider the resolution of the Board dated 25.06.2025 while passing fresh orders under Section 26 of the Wakf Act, 1995.



W.P.(MD) No.23146 of 2025

WEB COPY

16.This exercise shall be completed as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. It is open for the petitioner to substantiate the case by producing records in favour of the petitioner.

17.With the aforesaid directions, the Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
Internet : Yes / No
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25.08.2025



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W.P.(MD) No.23146 of 2025

C.SARAVANAN, J.

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W.P.(MD) No.23146 of 2025

25.08.2025