



W.P(MD)No.28278 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.11.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28278 of 2025

S.M.Kareem

... Petitioner

Vs.

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

2.The Superintendent of Waqf,
Madurai Region,
Tamil Nadu Waqf Board,
Town Hall Road,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to grant approval for the mutawalliship of the petitioner under Section 42 of the Unified Waqf Management, Empowerment, Efficiency and Development of Waqf Act, 1995 by considering the



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petitioner's statutory application dated 01.02.2025 within the time stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondents : Mr.S.A.Ajmal Khan
for R.1 & R.2

Mr.E.Mohamed Abbas
for Intervenor

ORDER

This writ petition is listed today under the caption 'for being mentioned'.

2.This writ petition is disposed of vide order dated 13.10.2025 stands recalled.

3.The case of the writ petitioner is that he was elected as Muthavalli and since his election has not been approved by the Board, he called upon this Court to dispose of his statutory application dated 01.02.2025. Accepting the submission made by the learned counsel for the petitioner, the writ petition was disposed of with a direction to the



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Chief Executive Officer of the Tamil Nadu Waqf Board to pass an appropriate order in terms of the scheme decree.

4.It is now brought to my notice that pursuant to the application made by the writ petitioner, the Board issued summons. Enquiry was held on 25.02.2025. The writ petitioner was represented by counsel in the said enquiry. Finally, an order came to be passed on 15.05.2025 rejecting the petitioner's request. Unfortunately, the Waqf Board did not communicate a copy of the said order to the writ petitioner. It is well settled that an order that has been merely passed but kept in the file has no legal consequence. If the order had been communicated, the petitioner would have challenge the same. I would not fault the petitioner for seeking only writ of mandamus and not writ of certiorari. But the writ petitioner ought to have stated in his affidavit that he received summons from the Board and enquiry was held on 22.12.2025 and that he participated in the enquiry through his counsel. If these averments have been disclosed, I would have called upon the learned Standing Counsel for the Board as to what happened thereafter.



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5.This is a material fact and failure to disclose the same has to be viewed seriously. I also have to censure the Waqf Board for not informing this Court about what actually happened. Whenever a writ petition is listed, proper instructions must be given to the learned Standing Counsel so that an appropriate order can be passed.

6.For non-disclosure of a material fact, this Writ Petition stands dismissed. Liberty is given to the petitioner to file a fresh writ petition on the same cause of action by challenging the subsequent order dated 25.02.2025 for appropriate relief. No costs.

05.11.2025

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

To

1.The Chief Executive Officer,
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G.R.SWAMINATHAN, J.

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