



W.P(MD)No.36881 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 26.12.2025

CORAM

THE HONOURABLE MS.JUSTICE R.POORNIMA

W.P(MD)No.36881 of 2025

and

W.M.P(MD)Nos.29335 & 29336 of 2025

Dr.S.Muhammed Afzal

... Petitioner

Vs.

1.The Tamil Nadu Wakf Board,
Represented by its
Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai.

2.The Superintendent of Wakfs,
Office of the Superintendent of Wakfs,
No.51/80, KAP Campus,
Soolavanigarpuram,
Thiruvananthapuram,
Palayamkottai,
Tirunelveli.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus to call for



W.P(MD)No.36881 of 2025

the records pertaining to the file of the second respondent and quash the impunged Announcement of election no.4 dated 11.12.2025 issued by the second respondent and consequently pass an order for conducting of the election to the ULSMT (Uthuman Lebbai Sahib Muslim Trust Jamath) strictly in accordance with the scheme dated 19.12.2014.

For Petitioner : Mr.M.Mohamed Ikbai

For Respondents : Mr.D.S.Haroon Rasheed

ORDER

This Writ Petition has been filed challenging the impunged announcement of election no.4 dated 11.12.2025 issued by the second respondent and seeking consequential direction to conduct the election to the ULSMT (Uthuman Lebbai Sahib Muslim Trust Jamath) strictly in accordance with the scheme dated 19.12.2014.

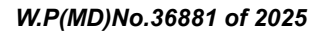
2.The learned counsel appearing for the petitioner submits that Resolution No.19/14 in Na.Ka.No.172228/09/1/5 dated 29.01.2014 was published in the Government Gazette Notification No.30 dated 06.08.2014 by the first respondent. The scheme categorically stipulates restricted membership of the Jamath. The structure and orientation of the



W.P(MD)No.36881 of 2025

Jamath under the scheme expressly protect the membership of the ULSMT (Uthuman Lebbai Sahib Muslim Trust Jamath), restricting it to native persons following the traditional Sunnathul Jamath Shafi dictum. Therefore, any change or casual inclusion of members in contravention of the scheme would be illegal. The election to the Jamath administration could not be conducted for a long period due to various reasons, and consequently, the first respondent took over the administration of the ULSMT Jamath.

3.The learned counsel for the petitioner further submits that the list of 178 members newly admitted by the respondents includes about 118 legitimate children of existing Jamath members, who are eligible for membership in accordance with the scheme. However, the remaining 46 members belong to other Jamaths following Islamic doctrines other than the dictum of Imam Shafi. The inclusion of these 46 members into the Jamath is not only against the tone and tenor of the scheme and the general rules but also against the customary practices that is being scrupulously followed by the petitioner's Jamath. Among the 46 persons, 27 already belong to other Jamaths and have married according to their



4. The respondents have declared that the election for the ULSMT will be conducted on 28.12.2025. If the election is conducted as proposed on 28.12.2025 with the illegal inclusion of new members, it will be contrary to the tenets of the scheme, which is comprehensive in scope and provides specific restrictive conditions for the inclusion of a new member.



W.P(MD)No.36881 of 2025

WEB COPY

5.The learned counsel appearing for the respondents submits that this writ petition itself is not maintainable as per Section 83 of the Unified Waqf Management, Empowerment, Efficiency and Development Act, 1995. In Section 83(1) of the Act, where any application is made, the State Government shall, by notification in the Official Gazette, constitute as many Tribunals as it may think fit, for the determination of any dispute, question or other matter relating to a waqf or waqf property, eviction of a tenant or determination of rights and obligations of the lessor and the lessee of such property, under this Act and define the local limits and jurisdiction of such Tribunals. Section 83(5) states that the Tribunal shall be deemed to be a civil court and shall have the same powers as may be exercised by a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, or executing a decree or order.

6.The learned counsel appearing for the petitioner states that as per scheme 11 (ஈ) (உ)(அ)(க) only the general body has right to admit any party to the Jamath and he also stated that the first respondent has no



W.P(MD)No.36881 of 2025

power to admit any member to the Waqf Board for which the learned counsel refers Section 32(2)(o) of the Unified Waqf Management, Empowerment, Efficiency and Development Act, 1995. It reads as follows:

“Section 32(2): Powers and functions of the Board.
(o)generally do all such acts as may be necessary for the control, maintenance and administration of [auqaf].

7.Though the petitioner has stated that only the General Body has the right to admit new members, he has not shown where such a provision is stated. Further, the learned counsel for the petitioner submits that the first respondent has admitted 27 members who are members and office-bearers of another Jamath; however, the petitioner has not mentioned the names of such members or furnished any material to substantiate the claim that they belong to another Jamath.

8.Section 85 of the Unified Waqf Management, Empowerment, Efficiency and Development Act, 1995 reads as follows:

“85. Bar of jurisdiction of civil courts.—No suit or other legal proceeding shall lie in any [civil court, revenue



W.P(MD)No.36881 of 2025

court and any other authority] in respect of any dispute, question or other matter relating to any [waqf], [waqf] property or other matter which is required by or under this Act to be determined by a Tribunal.”

9.The learned counsel for the petitioner further submits that the petitioner has already filed a similar writ petition before this Court in W.P.(MD)No.29286 of 2025, challenging the power of the first respondent to appoint a Commission of Enquiry to enquire into the alleged malpractices committed by the respondents, and that the same is pending before this Court.

10.The learned counsel for the respondents submits that even the contesting candidates have not challenged the inclusion of members into the Waqf. He also relies upon the decision of the Hon’ble Supreme Court in ***Civil Appeal No.5297 of 2004 (Board of Wakf, West Bengal v. Anis Fatma Begum & Another)*** in support of his contentions. The said judgment is squarely applicable to the facts of the present case. The petitioner, without approaching the Waqf Board or the competent forum, has directly approached this Court and has failed to furnish necessary particulars.



W.P(MD)No.36881 of 2025

WEB COPY

11.This Court is of the view that the writ petition is not maintainable and there is no merit. It is for the petitioner to approach the Waqf Tribunal for the dispute arising between the parties. Further he is not in a position to furnish the details of the persons who have been illegally included to the Waqf. Except the petitioner, none of the members challenging the resolution of election as well as the inclusion of members.

12.This Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

26.12.2025

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

To

1.The District Collector,
Dindigul, Dindigul District.

2.The Tahsildar,
Dindigul West Taluk,
Dindigul District.

8/10



W.P(MD)No.36881 of 2025

3.The Executive Officer,
Kannivadi Town Panchayat,
Kannivadi, Dindigul District.



WEB COPY



W.P(MD)No.36881 of 2025

R.POORNIMA, J.

MGA

W.P(MD)No.36881 of 2025

26.12.2025