



WEB COPY

WP No. 233 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 233 of 2022

AND

WMP NO. 267 OF 2022

1. A.Sheik Basith
2. S. Sheik Abdullah
3. S. Mohammed Ibrahim
4. M. S. Tajudeen

..Petitioner(s)

Vs

1. The Chief Executive Officer
Tamil Nadu Wakf Board, No. 1 Jaffer Syrang
Street, Vallal Seethakathi Nagar, Chennai - 1.
2. The Tamil Nadu Wakf Board
Rep by Chairman, No. 1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai - 1.
3. The Superintendent of Waqfs Cuddalore /
Executive Officer, Hazarath Noor Mohamedsha
Aulia Dargha Wakf, Panruti, Cuddalore
District.

..Respondent(s)

Prayer: Writ Petition is filed under Article 225 of the Constitution of India praying for issuance of writ of Certiorari to call for the records of the 1st respondent dated 25.11.2021 in Proc. No. 16379 / 92 / B10 / Cudd and 3rd respondent dated 1/12/21 in Na. Ka.G. S. 143 / The / Aa / Ni. A / Cuda / 2021 and quash the same.



For Petitioner(s): Mr.N.A.Nassir Hussain

For Respondent(s): Mr.Mohammed Fayaz Ali

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Order

The petitioners are the Committee members of Hazarath Noor Mohamed Sha Aulia Dargha Wakf and were appointed on 28.09.2018 for five years along with three other members and one Tajudeen as President. According to the petitioners, the said Committee took action for eviction of encroachers in the Wakf. Therefore, encroachers gave complaint against the Committee members. The 1st respondent, by order dated 30.09.2021, suspended the Committee. The petitioners filed Writ Petition No.22368 of 2021, challenging the said order. The said suspension order was revoked by the proceedings dated 13.10.2021 and hence, the said Writ Petition was dismissed as infructuous. The 1st respondent, on 21.10.2021, served a show cause notice dated 13.10.2021 to the petitioners and other Committee members. The charges mentioned in the show cause notice are vague. Hence, the committee members have filed Writ Petition No.24892 of 2021 challenging the said show cause notice.

2(i) When the Writ Petition came up for hearing on 26.11.2021, this Court permitted the 1st respondent to proceed with enquiry and held that if any final order is passed, that will be subject to result of the Writ Petition. The 1st respondent, by the notice dated 15.11.2021, called upon the petitioners therein



and others including the petitioners herein for enquiry on 25.11.2021. Though it was informed that Writ Petition No.24892 of 2021 filed challenging the show cause notice is pending, the 1st respondent, without furnishing any document and conducting any enquiry, passed impugned order dated 25.11.2021, removing the petitioners and other Committee members. Challenging the said impugned order, the petitioners have come out with this Writ Petition.

3.The learned counsel appearing for the petitioners contended that 1st respondent passed the impugned order without any authority and without giving any opportunity to the petitioners and others. The 1st respondent has not conducted any enquiry on the charges levelled and without examining any witness and without producing any documents, has passed impugned order, which is in violation of principles of natural justice and prayed for allowing the Writ Petition.

4.The learned Standing Counsel appearing for the respondents contended that the petitioners and other Committee members have committed various irregularities and illegalities and misappropriated huge amounts of Hazarath Noor Mohamed Sha Aulia Dargha Wakf. Many complaints were received against the Committee members and President of Dargah, with regard to mismanagement and alienation of Wakf property. The 2nd respondent has appointed a Sub Committee, which inspected the Dargah and enquired with the President and other Committee members. The President was requested to submit records to the 3rd respondent, but he failed to produce the documents



called upon by the respondents. The Committee members including the petitioners have not submitted any explanation to the show cause notice and on the date of enquiry i.e. on 25.11.2021, the petitioners did not appear. On the other hand, the counsel for the committee members appeared and he except stating that the Committee members have filed Writ Petition No.24892 of 2021 challenging the show cause notice, has not given any explanation and submission on the charges levelled against them. The 1st respondent considered all the documents produced before it and by a reasoned order, removed the petitioners from the post of Committee members. The 1st respondent has acted as per the provisions of the Wakf Act and ordered removing the petitioners and others is valid and legal and prayed for dismissal of the Writ Petition.

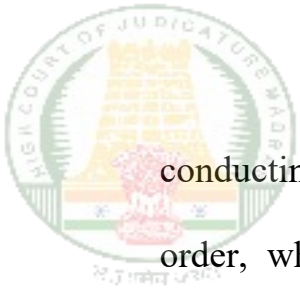
5.Heard the learned counsel appearing for the petitioners as well as the learned Standing Counsel appearing for the respondents and perused the entire materials on record.

6.From the above rival contentions, it is seen that petitioners are the members of the Committee of Hazarath Noor Mohamed Sha Aulia Dargha Wakf. Certain complaints with regard to alleged irregularities, misappropriation of funds and mismanagement of Dargah were made against the President and other Committee members, including the petitioners. The 1st respondent issued show cause notice dated 13.10.2021 to the President and members of the



Committee, including the petitioners, levelling various charges and called upon them to submit their explanation within 15 days. According to the petitioners, due to vagueness of the show cause notice, they could not submit any explanation. While the said Writ Petition was pending, the 1st respondent fixed enquiry on 25.11.2021 and called upon the President, petitioners and other Committee members to appear for enquiry. The 1st respondent, on 25.11.2021 itself, has passed the order removing the President, petitioners and other members of the Hazarath Noor Mohamed Sha Aulia Dargha Wakf from the Committee.

7. From the impugned order, it is seen that on that date, no witness was examined and no document was marked. The 1st respondent, in the impugned order has stated that records were perused and based on the records, charges levelled against the President and other Trustees are proved and resolved to remove the President and other Trustees from the management of Hazrath Noor Mohamed Sha Aulia Dargah with effect from 25.11.2021, under Section 64 and bring the Wakf under the Direct Management of Tamil Nadu Wakf Board for a period of 6 months and has appointed Superintendent of Wakfs, Cuddalore as the Executive Officer to assume charge over the Wakf and to take control over the properties and records of the Wakf. The 1st respondent relied on the report of Sub Committee and resolution of 2nd respondent. The 1st respondent has not furnished copies of the documents relied on by them to the petitioners. Without



conducting any enquiry as per law, the 1st respondent has passed impugned order, which is in violation of principles of natural justice. For the above reasons, the impugned order dated 25.11.2021 is liable to be quashed and is hereby quashed. Accordingly, the Writ Petition is allowed. No costs. Consequently connected miscellaneous petition is closed.

02-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1. The Chief Executive Officer
Tamil Nadu Wakf Board, No. 1 Jaffer Syrang
Street, Vallal Seethakathi Nagar, Chennai - 1.
2. The Tamil Nadu Wakf Board
Rep by Chairman, No. 1, Jaffer Syrang Street,
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M.DHANDAPANI J.

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