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WP No. 2860 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 03-02-2026**

CORAM

**THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**WP No. 2860 of 2026**  
**W.M.P.Nos.3173, 3175 & 3177 of 2026**

D.Fakrudeen

..Petitioner(s)

Vs

1. The Chief Executive Officer

Tamil Nadu Wakf Board,  
No.1, Jaffar Syrang Street,  
VallalSeethakathi Nagar,  
Chennai 600 001.

2. The superintendent

Cuddalore Division, Tamil Nadu Wakf Board,  
No. 512, Gandhi road,  
Panruti, Cuddalore 607 106.

..Respondent(s)

**Prayer:-** Writ Petition is filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari to call for the records of the 1<sup>st</sup> respondent vide proceedings dated 02.03.2023 in Se.Mu.Aanai.17959/ 22/ AA10 / KADA in so far as restricting the tenure of the Hereditary Muthavalli for a period of three years and quash the same as illegal.

For Petitioner(s): Mr.K.Nizamuddin

For Respondent(s): Mr.Haja Mohideen Gisti



## ORDER

The Writ Petition is filed for a Certiorari to call for the records on the file of the first respondent vide proceedings dated 02.03.2023 in Se.Mu.Aanai.17959/ 22/ AA10 / KADA, in so far as restricting the tenure of Hereditary Muthavalli for a period of three years and to quash the same as illegal.

2.The learned counsel for the petitioner would submit that the petitioner is recognized as Hereditary Muthavalli and is appointed as such. When the petitioner is appointed as Hereditary Muthavalli there was no occasion for the respondents to have restricted the same only for a period of three years. Now the same is going to expire on 26.02.2026 and therefore the petitioner is before this Court.

3.The learned counsel for the petitioner would also rely upon the judgment of this Court in *Apsar Peeran Shuttari Sahebulla Vs. The Tamil Nadu Wakf Board in W.P.Nos.19032 & 18269 of 2023*, more specifically paragraph Nos.6 and 7 of the said judgment.

4.Per contra, Mr.Haja Mohideen Gisti, the learned counsel taking notice on behalf of the respondents would submit that it is true that in some judgments



including the judgment in ***Fathima Rafiq Vs. The Tamil Nadu Wakf Board in W.P.No.43250 of 2025***, this Court has taken a view that there cannot be any limitation on restricting the period of a Hereditary Muthavalli. But at the same time, the legal possession is not yet authoritatively settled. The counsel would submit that by judgment in ***Mohammed Sulthan Sheriff Vs. The Chief Executive Officer and another in W.P.No.22496 of 2024***, this Court also recognized certain circumstances and which the period can be restricted or the Muthavalli can be removed. Therefore, he cannot say that as a blank proposition of law in every case the period will be throughout the lifetime.

5.The learned counsel would also submit that when the petitioner was appointed in the year 2023, he accepted the order and was in the office for the past three years and only at the fag end of the tenure, that is going to expire on 26.02.2026, suddenly now the Writ Petition is being filed.

6.I have considered the rival submissions made on either side and perused the materials available on record.

7.Since this Writ Petition is disposed of at the admission stage without affording an opportunity for the respondents to file detail counter, in this regard, considering the nature of order that has been passed, *Prima facie*, in repeated judgments including the one in ***Fathima Rafiq Vs. The Tamil Nadu Wakf***



**Board** cited supra, a view has been taken that normally the tenure of the Muthavalli will only be unrestricted and cannot be restricted for a period of three years. This Court speaking through Hon'ble Mr.Justice P.B.Balaji has taken cognizance of the earlier judgments of this Court. Similarly in **Apsar Peeran Shuttari Sahebulla Vs. The Tamil Nadu Wakf Board** cited supra, also this Court speaking through Hon'ble Mr.Justice S.Sounthar has also taken the same view. In view thereof, this Writ Petition is disposed of on the following terms:-

i)With the web copy of the order the petitioner shall make a detailed representation to the first respondent / Chief Executive Officer. The first respondent shall consider the representation for modifying the condition originally imposed in the order appointing the petitioner as a Muthawalli as per law.

ii)It is needless to mention that first respondent shall take into consideration all the earlier judgments of this Court in that regard and pass a speaking order. If the first respondent is of the opinion that the Wakf Board has to take a call, along with the recommendation, he will place the matter before the Wakf Board. Until the final decision is taken, in view of the earlier decisions of this Court, the petitioner will continue in office. It is needless to say that the order of this Court directing the petitioner to continue office cannot be a bar, if any other disciplinary action is proposed as per law.



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iii) No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

**03-02-2026**

Neutral Citation: Yes/No

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To

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Chennai 01
2. The superintendent  
Cuddalore Division, Tamil Nadu Wakf Board,  
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**D.BHARATHA CHAKRAVARTHY, J.**

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