



WEB COPY

WP No. 3620 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-02-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No. 3620 of 2026

and

W.M.P.Nos.4034 & 4036 of 2026

S.Meeran

..Petitioner

Vs

1. The Tamil Nadu Wakf Board,
Rep. by its Chief Executive Officer,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai-1.
2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai-1.
3. The Superintendent of Wakf,
Tamil Nadu Wakf Board,
Poonamalle Zone No.598, Trunk Road,
Poonamalle, Chennai – 56.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorari, calling for records of third respondent dated 10.01.2026 in Proceedings No.Nil and quash the same.

For Petitioner:

Mr.M.Nuzhath Khanam

For Respondents:

Ms.Rajeswari Karthikeyan



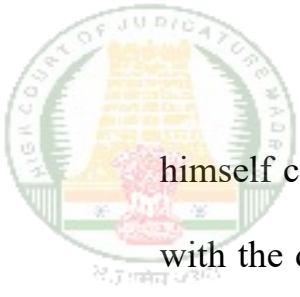
ORDER

The writ petition is filed with a prayer to call for the records of the communication of the third respondent dated 10.01.2026 and to quash the same.

2. Upon hearing the learned counsel appearing for the petitioner and perusing the material records of the case, the grievance of the petitioner is that by the impugned communication, the Chief Executive Officer had taken up the task of framing the draft scheme by himself and circulated it among the members inviting objections.

3. According to the learned counsel for the petitioner, the issue is no longer *res integra*, having been considered and decided in detail by this Court in ***Mohamed Yusuf and others vs. Tamil Nadu Waqf Board and others***¹. In the said judgment, it has been categorically held that with reference to the framing of the scheme, it is only the Waqf Board which has the authority and the Waqf Board has to follow the step by step procedure mandated under the Waqf Act, 1995. As per Section 69 of the Waqf Act, 1995, the first step is the satisfaction of the Waqf Board as to the necessity of framing a scheme after conducting an enquiry. Therefore, the first step itself should emanate only from the Waqf Board and an enquiry has to be conducted. If the Chief Executive Officer

¹2025 (2) LW 927



himself comes to a conclusion that the scheme is necessary and even comes up with the draft scheme, then the said enquiry becomes a fait accompli and there will not be any proper application of mind as to the necessity at all. Secondly, only after such satisfaction, if the draft is done, wide consultation and consideration of the objections of everyone will be possible. If the draft itself is framed by the Chief Executive Officer, then the objectivity of considering the objections and involving everyone will be lost and therefore the impugned order is liable to be quashed.

4. The learned counsel appearing on behalf of the respondent Waqf Board would submit that considering the imminent necessity of all the Waqfs throughout Tamil Nadu and safeguarding their properties, especially when the records are being digitised, the draft scheme is circulated. The Chief Executive Officer is also empowered under Section 25(1)(c) of the Act to suggest a draft and it is for the Waqf Board to consider. Due opportunity is being given to everyone to submit their objections and it is not as if merely because the draft emanates from the Chief Executive Officer, the persons interested will be precluded from submitting their objections.

5. I have considered the rival submissions made on either side and perused the material records of the case.



6. As laid down by this Court in *Mohamed Yusuf and others* cited supra, it can be seen that the first step in the framing of the scheme is the satisfaction of the Waqf Board as to the necessity of framing the scheme. Therefore, at that juncture, the question of a draft scheme or its framing by the Chief Executive Officer or by anyone else does not arise. Therefore, without being in any manner influenced by the order impugned in this writ petition, while considering the issue, the Waqf Board shall first decide as to the necessity of framing the scheme. Once the Waqf Board comes to the conclusion that a scheme has to be framed, thereafter the present draft scheme that is framed by the Chief Executive Officer can be considered and no undue weightage can be given to the draft merely because it emanates from the Chief Executive Officer. Like any other person interested in the Waqf, it cannot be said that the Chief Executive Officer can never come out with the first draft. Any person interested can submit a first draft and it is for the Waqf Board to consider the same in accordance with law by giving due opportunity to everyone concerned for submitting their objections.

7. Therefore, this writ petition is ***disposed of*** on the following terms:

(i) Before proceeding to consider the draft scheme framed by the Chief Executive Officer, the Waqf Board, as and when it takes up the issue, shall first conduct an enquiry as envisaged under Section 69 of the Waqf Act, 1995 and satisfy itself as to the necessity of framing a scheme.



(ii) Once the Waqf Board satisfies itself that there is a necessity, then the present draft that is framed can be considered along with the objections, if any, filed till then and the Waqf Board can also give a fresh opportunity thereafter to everyone concerned including the petitioner to submit objections. Those persons who do not want to submit any objections at this stage and want to abide by the preliminary decision of the Waqf Board can do so and thereafter submit their objections.

(iii) No undue weightage shall be given merely because the first draft emanates from the Chief Executive Officer and it shall be considered on its own merits and by considering the objections of everyone and by giving opportunity, the scheme shall be framed.

(iv) Consequently, connected W.M.P.No.4034 of 2026 is ordered and W.M.P.No.4036 of 2026 is closed. No costs.

13-02-2026

Neutral Citation: Yes/No

NSL



To

1. The Chief Executive Officer,
The Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai-1.

2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai-1.

3. The Superintendent of Wakf,
Tamil Nadu Wakf Board,
Poonamalle Zone No.598, Trunk Road,
Poonamalle, Chennai – 56.



WEB COPY

WP No. 3620 of 2



D.BHARATHA CHAKRAVARTHY, J.

NSL

WP No. 3620 of 2026

13-02-2026