



WEB COPY

WP No. 20003 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-05-2026

CORAM

THE HON'BLE MR JUSTICE G. R. SWAMINATHAN

**WP No. 20003 of 2026
and W.M.P.Nos.21375 & 21377 of 2026**

Syed Masood

..Petitioner(s)

Vs

1. The Tamil Nadu Waqf Board
Rep by its Chairman,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai- 600 001.
2. The Chief Executive Officer
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai- 600 001.
3. The Superintendent of Waqf
Ramanathapuram Zone,
Ramanathapuram District.
4. Mydin Andavar Pallivasal Mhamai Fund Waqf
Rep. by its Adhoc Committee,
Nallur, Aruppukkottai,
Virudhunagar District.

..Respondent(s)

PRAYER – This Writ Petition is filed under Article 226 of the Constitution of India, seeking a Writ of Certiorari, calling for the records of the 2nd respondent herein in Na.Ka. No. 7649/ 01/Aa11/ Virudhu dated 20.04.2026 and quash the same.



For Petitioner: Mr.V.Raghavachari, Senior Counsel,
for Mr.S.V.Karthikeyan

For Respondents 1 to 3: Ms.Rajeswari Karthikeyan

For 4th Respondent: Mr.Ajimath Begum

ORDER

Heard the learned Senior Counsel for the writ petitioner, learned standing counsel for the Wakf Board and learned counsel for the 4th respondent.

2.One Naina Mohammed filed a Writ Petition in W.P.(MD).No.18191 of 2019 for conducting election for 4th respondent Pallivasal. The Writ Petition got disposed of on 23.03.2022 in the following terms:

“4. Considering the same, I am inclined to dispose the writ petition by directing the second respondent to hold a free and fair election for the management of the aforesaid Pallivasal as it appears there was a large scale mismanagement. The second respondent is therefore directed to appoint a retired judge of this High Court to act as an observer in the ensuing election.

5. The election shall be conducted preferably within a period of six months from the date of receipt of copy of this order after ensuring that a proper electoral list is in place and proper notice is issued to all the members of the Pallivasal as per the Rules governing the Pallivasal.



6. The retired Judge of this High Court to be nominated by the respondents 1 and 2 as an observer shall be paid appropriate fees to be charged by the retired Judge of this High Court through the Adhoc Committee. No costs.

3. Pursuant to the said direction, the Chief Executive Officer of the Tamil Nadu Wakf Board issued a communication dated 20.04.2026, appointing Justice G.M.Akbar Ali, the former Judge of this Court as an Observer. Challenging the said communication, this Writ Petition has been filed.

4. The learned Senior Counsel for the petitioner points out that as per the proforma, the management of the Pallivasal has to be constituted in the following manner :

“10. The Rule of succession to the Office of the Muthavallis and whether it is under the Wakf deed or by custom or by usage:-

The office of Muthavalli is being led up according to custom and According to custom prevalent village the Muthavalli or Trustee is Hereditary office bearers with the Jamath. Besides this muthawalli administration of the wakf is carried out by the Trustee or Muthawalli with the assistance of 12 “Muraikarars”. Office bearers by and 8 members of the Executive and Judicial committees are the Muslim Jamaath of Nallor Muhaideen Andavar Pallivasal, Aruppukkottai.”

The grievance of the petitioner is that the contents of the proforma was suppressed when the order was obtained in W.P.(MD).No.18191 of 2019.



5. The learned Senior Counsel might as well be right. But since the impugned communication is pursuant to the order of this Court, so long as the order dated 23.03.2022 in W.P.(MD).No.18191 of 2019 is holding the field, it might not be appropriate on my part to test the consequential communication dated 20.04.2026 issued by the Chief Executive Officer, Tamil Nadu Wakf Board. However, taking into account the submission of the learned Senior Counsel for the writ petitioner and considering the over all facts and circumstances, I direct the respondents 1 to 3 to keep the impugned communication in abeyance for a period of eight weeks from today. In the mean while, it is for the petitioner and other persons concerned to work out the remedy in the manner known to law. They can either file a third party appeal against the order dated 23.03.2022 or seek a review of the said order.

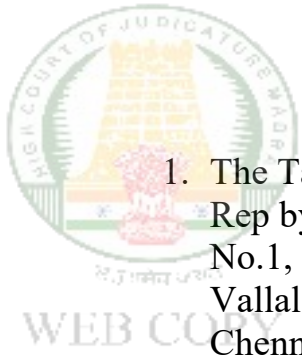
6. This Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

20-05-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

GSA

To



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Rep by its Chairman,
No.1, Jaffer Syrang Street,
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Chennai- 600 001.
2. The Chief Executive Officer
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G.R.SWAMINATHAN, J.

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