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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2026

CORAM

THE HON'BLE MRS.JUSTICE N. MALA

CMA No. 3551 of 2026

CNR:{HCMA012493422026}

AND

CMP NO. 28969 OF 2026

Abdul Wahab
S/o Abdul Samad,
Mutawalli,
Nawab Abdul Nabi Khan Mosque Waft,
Residing at Old No.12 New No.32,
Muthu Manickam Street,
Chidambaram-608 001.
Cuddalore District.

..Appellant(s)

Vs

1. The Tamil Nadu Waqf Board
   Rep.by its Chief Executive Officer,
   No.1 , Jaffr Syrang Street,
   Vallal Sethakathi 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. Mohammed Ubaidullah,
   S/o Kather Gouse,
   Residing at No.15/30
   Guru Ayyar Theru,
   Chidambaram- 608 001.

4. S.Mohamed Shafiyullah,
   S/o Babu,
   Aabathanapuram Vadalur Post,
   Cuddalore District.

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5. I. Mohamad Shafiyullah,
   S/o Inayathulla
   Aabhathanapuram,
   Vadalur Post,
   Cuddalore District.

6. E.S.Mohamed Ali,
   S/oMohamed Ishak,
   Kaatu Bava Lane,
   Chidambaram- 608 001.

7. M.Mohamed Hussain,
   s/o Moideen Basha,
   No.30/5, Lal Khan Street,
   chidambaram- 608 001.

8. S.Humayun
   S/o Adul Sardar,
   No.18/05,
   Periyavaaniyath Street,
   Chidambaram- 608 001.

9. A.M.Arifullah,
   S/o Moideen Khan,
   Kasi Pillai Lane,
   Chidambaram- 608 001.

..Respondent(s)

CMA No. 3551 of 2026

Civil Miscellaneous Appeal filed under Section 83[9] of the Waqf Act, 1995, to set aside the order passed in I.A.No.452 of 2026 in O.A.No.122 of 2026 dated 10.09.2026 consequently to grant an order of ad-interim stay of the operation and all further proceedings pursuant to the Resolution in Item No.42/25 dated 17.04.2025 passed by the 1st respondent Board and the consequential order by the 2nd respondent in Na.Ka.No.9318/08/Aa10/Kada dated 22.05.2025, pending disposal of OA.No.122/2026 on the file of the Tamil Nadu Waqf Tribunal, Chennai.

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CMA No. 3551 of 2026

For Appellant(s): Y.Kajanavas

For Respondent(s): MRS.RAJESWARI KARTHIKEYAN,
FOR TNWB FOR R1 AND R2
MR.N.I.NISSAR AHMED , SENIOR ADVOCATE
FOR MR.I.Abdul Basith
Counsel for Caveator for RR 3 to 9

Judgment

(1) Mrs.Rajeswari Karthikeyan, learned Standing counsel accepts notice on behalf of the respondents 1 and 2 and Mr.I.Abdul Basith, learned counsel accepts notice on behalf of the respondents 3 to 9.

(2) With the consent of the learned counsels on both sides, the appeal is taken up for final hearing and is disposed of by this judgment.

(3) The Civil Miscellaneous Appeal is filed against the docket order dated 10.09.2026 passed in IA.No.452/2026 in OA.No.122/2026, directing issuance of notice to the respondents in the Interlocutory Application.

(4) The appellant, claiming to be the elected Muthawalli / Administrator of Nawab Abdul Nabi Khan Mosque Waqf, Chidambaram, filed the Original Application in OA.No.122/2026, under Section 83[2] of the Waqf Act, read with Order VII Rule 1 of the Code of Civil Procedure, challenging the Resolution passed by the 1st respondent in Item No.42/25 dated 17.04.2025 and the consequential proceedings of the 2nd respondent

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in Na.Ka.No.9318/08/Aa10/Kada dated 22.05.2025, appointing the 3rd respondent as the Hereditary Muthawalli and constituting a 7 Member Committee with non-hereditary members. The appellant states that for more than four decades, he was solely managing the day-to-day administration of the Jamath without any interruption or hereditary lineage claims. The appellant states that he was unanimously elected by the Jamath by Resolution dated 27.04.2024 and has been discharging his duties diligently. The appellant states that to his shock, the respondents 1 and 2 passed the impugned Resolution dated 17.04.2025 and the consequential order dated 22.05.2025, appointing the respondents 3 to 9 herein, as the Muthawallis of the Waqf. The appellant further states that earlier, he had approached this Court by filing WP.No.44468/2025 and the writ petition was dismissed by this Court on 01.06.2026. Against the dismissal of the writ petition, the appellant preferred a Writ Appeal in WA.No.1494/2026 and in the said Writ Appeal, the appellant was granted liberty to approach the Waqf Tribunal, to decide the issues raised in the writ petition. The appellant states that pursuant to the impugned orders, the respondents were taking emergent steps to enforce the aforesaid orders and therefore, he filed IA.No.452/2026 in OA.No.122/2026, for ad-interim stay of the operation and all further proceedings pursuant to the Resolution dated 17.04.2025 and the consequential order dated 22.05.2025. In the said Interlocutory Application, notice was issued to

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the respondents. Aggrieved by the docket order, directing issuance of notice to the respondents, the appellant has preferred the above appeal.

(5) When the matter was taken up for admission, this Court informed the learned counsel for the appellant that if the matter is to be heard on merits, then it may prejudice his rights in the Interlocutory Application and therefore, the learned counsel was given an option, either to contest the matter before this Court or to contest the same before the Tribunal.

(6) The learned counsel for the appellant opted to go before the Tribunal and prayed that time frame may be fixed for the disposal of the Interlocutory Application.

(7) In view of the fact that the learned counsel has opted to approach the Tribunal, this Court is of the view that it is not necessary to enter into the merits of the case and it would suffice if a direction is issued to the Waqf Tribunal to expedite the hearing of IA.No.452/2026.

(8) Both the learned counsel appearing for respondents 1 and 2 as well as the learned Senior counsel appearing for the respondents 3 to 9 submit that the parties will cooperate for the expeditious disposal of IA.No.452/2026.

(9) In view of the aforesaid circumstances, a direction is issued to the Waqf Tribunal to dispose of IA.No.452/2026 in OA.No.122/2026, as expeditiously as possible, preferably within a period of twelve weeks from the date of receipt of a copy of this judgment.

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(10) The Civil Miscellaneous Appeal is ***disposed of at the admission stage.***

No costs. Consequently, the connected miscellaneous petition is closed.

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

AP
To
1.The Chief Executive Officer,
Tamil Nadu Waqf Board
No.1 , Jaffr Syrang Street,
Vallal Sethakathi Nagar,
Chennai- 600 001.

2.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
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N.MALA J.

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