



THE HIGH COURT OF JUDICATURE AT MADRAS

Judgment reserved on : 12.02.2026

Judgment pronounced on : 13.03.2026

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THE HON'BLE MR. JUSTICE P.B.BALAJI

CRP.No.6301 of 2025
& CMA.No.3629 of 2025
& CMP.Nos.31235 & 30153 of 2025

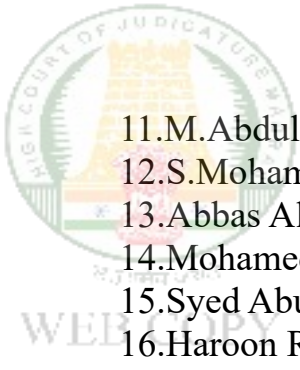
CRP.No.6301 of 2025:

M.Kamardeen

.. Petitioner

Vs.

- 1.A.Ali Akbar
- 2.A.Madhar Sikkandhar @ Babu
- 3.Malick
- 4.Farmanullah
- 5.Mohammed Siddiq
- 6.Rafiq Raja
- 7.A.Muth Batcha
- 8.Tamil Nadu Waqf Board,
Rep. by its Chairman,
No.1.Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.
- 9.The Chief Executive Officer,
The Tamil Nadu Waqf Board,
No.1.Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.
- 10.The Waqf Superintendent/Executive Officer,
Madurai Waqf Board Office Circle,
Tamil Nadu Waqf Board, Madurai – 1.



11.M.Abdul Nazeer
12.S.Mohamed Ansar
13.Abbas Ali
14.Mohamed Hanif
15.Syed Abuthahir
16.Haroon Rasheeth
17.Abdul
18.Abbas Mandhiri
19.Bilal
20.A.Abdul Wahab
21.S.Kansa

.. Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to call for the records relating to the fair and decretal order dated 22.10.2025 passed in A.A.No.04 of 2024 on the file of the Tamil Nadu Waqf Tribunal, Chennai, and set aside the same and consequently allow A.A.No.04 of 2024.

For Petitioner : Mr.Niranjan Rajagopalan
for M/s.G.R.Associates

For Respondents : Mr.N.A.Nissar Ahmed
Senior Counsel for Mr.Nassir Hussain
for RR1 to 7 & 12
Mrs.H.Yasmeen Alifer for RR8 to 10
Mr.A.Raja Mohamed for RR11, 13 to 21

CMA.No.3629 of 2025:

1.A.Ali Akbar
2.A.Madhar Sikkandhar @ Babu
3.Malick
4.Farmanullah
5.Mohammed Siddiq
6.Rafiq Raja
7.A.Muthu Batcha
8.S.Mohamed Ansar
9.Bilal

.. Appellants



Vs.

1. Tamil Nadu Waqf Board,
Rep. by its Chairman,
No.1.Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

2. The Chief Executive Officer,
The Tamil Nadu Waqf Board,
No.1.Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

3. The Waqf Superintendent/Executive Officer,
Madurai Waqf Board Office Circle,
Tamil Nadu Waqf Board, Madurai – 1.

4. M. Abdul Nazeer

5. Abbas Ali

6. Mohamed Hanif

7. Syed Abuthahir

8. Haroon Rasheeth

9. Abdul

10. Abbas Mandhiri

11. A. Abdul Wahab

12. S. Kansa

13. M. Kamardeen

.. Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 83(9) of the Unified Waqf Management Empowerment, Efficiency and Development (UMEED) Act, 1995, to set aside the fair and decretal order dated 22.10.2025 made in A.A.No.04 of 2024 on the file of the Tamil Nadu Waqf Tribunal at Chennai.

For Appellants : Mr. Mr. N. A. Nissar Ahmed
Senior Counsel for Mr. Nassir Hussain

For Respondents : Mrs. H. Yasmeen Alifer for RR1 to 3
Mr. A. Raja Mohamed for RR4 to 12
Mr. Niranjana Rajagopalan
for M/s. G. R. Associates for R13



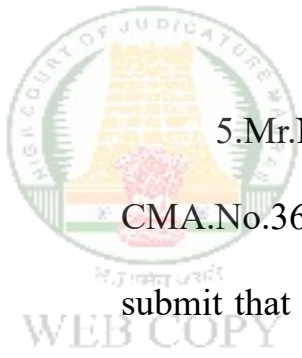
COMMON ORDER

The Civil Revision Petition has been filed, challenging the order of the Tamil Nadu Waqf Tribunal dated 22.10.2025, confirming the order of the Waqf Board dated 15.10.2024.

2.The Civil Miscellaneous Appeal has been filed to set aside the order of the Tamil Nadu Waqf Tribunal dated 22.10.2025.

3.By order of the Hon'ble Chief Justice, the Civil Miscellaneous Appeal was directed to be heard along with the Civil Revision Petition and hence, both the matters have been taken up together.

4.I have heard Mr.N.A.Nissar Ahmed, learned Senior Counsel for Mr.N.A.Nassir Hussain, learned counsel for the appellants in CMA.No.3629 of 2025 and respondents 1 to 7 and 12 in CRP.No.6301 of 2025, Mr.Niranjana Rajagopalan for M/s.G.R.Associates, learned counsel for the petitioner in the revision petition and 13th respondent in the CMA, Mrs.H.Yasmeen Ali, learned counsel for the respondents 1 to 3 in CMA and respondents 8 to 10 in revision petition, Mr.A.Raja Mohammed, learned counsel for the respondents 11, 13 to 21 in revision petition and respondents 4 to 12 in CMA.



5. Mr. N.A. Nissar Ahmed, learned Senior Counsel appearing for the appellants in CMA.No.3629 of 2025 and respondents 1 to 7 and 12 in CRP.No.6301 of 2025 would submit that a 20 Member Committee was elected on 11.09.2022, with a tenure of three years up to 10.09.2025. However, based on a complaint to the Waqf Board by the rival group, a show cause notice has been issued to the appellants and without framing any charges and not giving a fair opportunity to the appellants, the Board has removed the appellants. It is his further submission that out of the 20 elected Members, only 2 of them were put on notice and 18 others were not even put on notice or enquired and hence, the entire enquiry is vitiated and improper in the eye of law.

6. The learned Senior Counsel would further state that though an appeal was preferred before the Waqf Tribunal, the Waqf Tribunal, on an erroneous consideration of the facts, as well as legal position, rendered a finding that there is no violation of principles of natural justice and the removal of the appellants was proper and after affording them a fair opportunity. The learned Senior Counsel would however state that as against the other 18 elected Members, liberty was given to them to contest the fresh election. He would further state that the charges against the appellants in the show cause notice were not specific, but very vague and the reply given by the appellants have not been considered in a proper perspective. He would further state that the Waqf Board has relied on the report of the local fund audit, which was impermissible, as a separate procedure under Section 47 is available and admittedly, the said procedure has not been



followed and without doing so, it was not open to the Board to rely on the report of the local fund audit to non-suit the appellants.

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7.The learned Senior Counsel would also rely on Section 47(1)(b) and Section 47(1)(c) of the Waqf Act, 1995, which empowers only the Government to take action and not the Waqf Board and he would further state that there is a further remedy available under Section 48 of the Waqf Act as against any proceedings under Section 47 of the Act. It is the further submission of the learned Senior Counsel that the provisions of Section 64 of the Act were not attracted in the instant case and the authorities have proceeded with a predetermined mind to remove the appellants. The learned Senior Counsel would also take me through the reply given to the various allegations/charges slabbed against the appellants and state that the charges were all either flimsy or inadequate and despite satisfactory explanation, the Waqf Board has rendered perverse findings and unfortunately, the same have been affirmed by the Tribunal as well. The learned Senior Counsel has also relied on the decision of this Court in *H.Sirajuddin Vs. The Tamiul Nadu Wakf Board, Rep. By its Chief Executive Officer*, reported in 2012 SCC Online Mad 5280.

8.Adding to the submissions advanced by the learned Senior Counsel, Mr.Niranjan Rajagopalan, learned counsel appearing for the revision petitioner in CRP and the 13th respondent in CMA would state that the enquiry, that has been conducted by



the Board is a farce and in respect of an action to be taken under Section 64 of the Act, he would state that separate rules are framed and referring to Rule 20 and Rule 8 of the Rules, learned counsel would contend that the authorities have flouted the rules in place and the enquiry was therefore clearly vitiated. He also relies on the decision of the Hon'ble Supreme Court in *Bongaigaon Refinery and P.C. Limited and others Vs. Girish Chandra Sarmah*, reported in 2007 AIR SC 2860 and decisions of this Court in *M.Abdul Nazeer Vs. The Tamil Nadu Waqf Board* in W.P.No.11339 of 2023 dated 13.04.2023 in *M.Abdul Nazeer Vs. The Tamil Nadu Waqf Board* in W.P.(MD).No.11089 of 2024 dated 03.06.2024 and in *H.Mohamed Ismail Vs. The Tamil Nadu Waqf Board* in W.P.(MD).No.4773 of 2024 dated 19.08.2024.

9.In short, the contentions of the appellants and the petitioner is that the enquiry conducted is not in accordance with law; the petitioner/appellants have been denied a fair opportunity; no charges have been framed and the same is fatal to the proceedings; the procedure contemplated under Section 70 and Section 71 of the Act and rules framed under Section 64 of the Act have been flouted.

10.Per contra, it is the case of the Waqf Board and the Chief Executive Officer that the appeal, as well as the revision petition are without merit and the Board has passed an order, after conducting a detailed enquiry and after providing ample opportunities to the appellants/petitioner, before finding that they are guilty of



misappropriation and mismanagement. The learned counsel would also state that the Board has constituted a Committee headed by the Chairman, CEO, trustees and other Board Members who have personally visited the site and conducted an inspection on 07.09.2023 and the said report clearly indicted the petitioner/appellants for various acts and omissions and therefore, it is only thereafter that the detailed show cause notice, containing 19 specific charges of serious misappropriation and mismanagement, was issued to the appellants.

11.The learned counsel would therefore state that it is absolutely incorrect to contend that there was no proper enquiry or that no fair opportunity was given to the appellants/petitioner. He would also state that the explanation, that was offered by the petitioners has also been discussed elaborately in the impugned proceedings and the Board has rightly applied its mind and exonerated the petitioner of some of the charges, while finding the petitioner/appellants guilty of most of the charges. The learned counsel would further state that the 1st respondent was therefore justified in invoking Section 64(1)(k) of the Waqf Act, 1995 in removing the 1st appellant and the 13th respondent and there was no error in assuming direct management under Section 65(1) of the Act.

12.Mr.A.Raja Mohammed, learned counsel appearing for the respondents 11, 13 to 21 in CRP and the respondents 4 to 12 in CMA would state that the appellants and the revision petitioner are guilty of non-filing of accounts and reports and they also guilty of



suppression of material particulars. He would also refer to the explanation given by the petitioner and the findings that for almost 10 years, no accounts were filed and several short-comings were found in the local fund audit report as well. He would further state that the appellants claim that they owned the school, but have drained the waqf of its income towards meeting the expenses of running the school and they are also entered into collusive lease agreements. He would further state that the proceedings before the Court are quasi judicial in nature and strict rule of evidence cannot be applied.

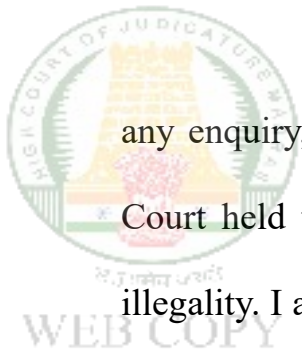
13. With regard to the allegation of violation of principles of natural justice, the learned counsel states that the petitioner/appellants were given adequate opportunities and enquiry was not conducted in any haste, but over several hearing dates and he would therefore state that this Court, exercising revisional power, is not empowered to interfere with fact findings rendered by the Board and affirmed by the Tribunal. He would also rely on the decision of the Hon'ble Supreme Court in *Union of India Vs. T.R. Varna*, reported in *AIR 1957 (SC) 882* and also the decision of this Court in *M. Abdul Nazeer Vs. The Tamil Nadu Waqf Board* in *W.P.(MD).No.11089 of 2024* dated 03.06.2024, where this Court, observing that the Inspector of Waqf had given a report on 14.08.2023, based on which, a Special Committee was formed to ascertain the irregularities committed by the petitioner/appellants and based on the report of the CEO dated 27.10.2023, a resolution was passed for taking direct management of the waqf, directed the petitioner's representation to be disposed of, within a period of 30 days.



14. It is further argued by the learned counsel that, no doubt, the petitioner/appellants though arrayed as respondents, were not put on notice before the said order came to be passed. It is also the submission of the learned counsel for the respondents 11, 13 to 21 in CRP and the respondents 4 to 12 in CMA that despite directions to deposit the Hundi collections to the Waqf Board account, the appellants have misappropriated more than Rs.8 lakhs and even assaulted the waqf officials and a complaint was lodged before the Superintendent of Waqf. The learned counsel would therefore pray for dismissal of the revision, as well as the appeal.

15. I have carefully considered the submissions advanced by the learned Senior Counsel and the other counsel for the respective parties in the appeal, as well as the revision.

16. The primordial submissions of the petitioner and appellants is that the enquiry conducted pursuant to the show cause notice and receipt of reply is farce and without framing charges and consequently amounts to violation of principles of natural justice. It is in this regard that the decision of this Court in *H. Sirajuddin's case* has been heavily relied on. That was a case where under Section 64, action was taken for removal of Mutawalli from his office. This Court found that the a show cause notice was issued and reply was also given to the show cause notice, but thereafter, the Board did not conduct



any enquiry, following the principles of natural justice and in such circumstances, this Court held the enquiry to be contrary to Section 64(3) of the Waqf Act and thus an illegality. I am unable to apply the said ratio to the facts of the present case. In the above case, show cause notice was issued on 12.11.2009 and reply was given in time and the petitioner was called for an enquiry on 29.03.2010.

17. Section 64 only contemplates an enquiry in the prescribed manner. The Rules do not require framing of charges and even according to the petitioner and appellants in the show cause notice, 19 charges have been slapped against them and they have given a detailed explanation to each and every one of them. Thereafter, an enquiry has been conducted by the Board. The show cause notice was, in fact, preceded by a field inspection by a Committee headed by the Chairman, CEO, trustees and Board Members, which has been the foundation for the allegations of mismanagement and misappropriation against the appellants and the petitioner. Thus, the case on hand is not one where no enquiry has been conducted. Further, when neither the provisions of the Act nor the rules contemplates framing of charges after explanation is given to the show cause notice, I am unable to follow the ration laid down in *H. Sirajuddin's case* to the facts of the present case.



18. Section 64 of the Waqf Act, 1995 is usefully extracted hereunder.

“64. Removal of mutawalli.—(1) Notwithstanding anything contained in any other law or the deed of 1 [waqf], the Board may remove a mutawalli from his office if such mutawalli—

(a) has been convicted more than once of an offence punishable under section 61; or

(b) has been convicted of any offence of criminal breach of trust or any other offence involving moral turpitude, and such conviction has not been reversed and he has not been granted full pardon with respect to such offence; or

(c) is of unsound mind or is suffering from other mental or physical defect or infirmity which would render him unfit to perform the functions and discharge the duties of a mutawalli; or

(d) is an undischarged insolvent; or

(e) is proved to be addicted to drinking liquor or other spirituous preparations, or is addicted to the taking of any narcotic drugs; or

(f) is employed as paid legal practitioner on behalf of, or against, the 1 [waqf]; or (g) has failed, without reasonable excuse, to maintain regular accounts for two consecutive years or has failed to submit, in two consecutive years, the yearly statement of accounts, as required by sub-section (2) of section 46; or

(h) is interested, directly or indirectly, in a subsisting lease in respect of any 1 [waqf] property, or in any contract made with, or any work being done for, the 1 [waqf] or is in arrears in respect of any sum due by him to such 1 [waqf]; or

(i) continuously neglects his duties or commits any misfeasance, malfeasance, misapplication of funds or breach of trust in relation to the 1 [waqf] or in respect of any money or other 1 [waqf] property; or

(j) wilfully and persistently disobeys the lawful orders made by the Central Government, State Government, Board under any provision of this Act or rule or order made thereunder;

(k) misappropriates or fraudulently deals with the property of the 1 [waqf].

(2) The removal of a person from the office of the mutawalli shall not affect his personal rights, if any, in respect of the 1 [waqf] property



either as a beneficiary or in any other capacity or his right, if any, as a sajjadanashin.

(3) No action shall be taken by the Board under sub-section (1), unless it has held an inquiry into the matter in a prescribed manner and the decision has been taken by a majority of not less than two-thirds of the members of the Board.

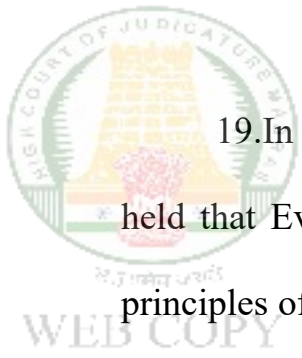
(4) A mutawalli who is aggrieved by an order passed under any of the clauses (c) to (i) of sub-section (1), may, within one month from the date of the receipt by him of the order, appeal against the order to the Tribunal and the decision of the Tribunal on such appeal shall be final.

(5) Where any inquiry under sub-section (3) is proposed, or commenced, against any mutawalli, the Board may, if it is of opinion that it is necessary so to do in the interest of the 1 [waqf], by an order suspend such mutawalli until the conclusion of the inquiry:

Provided that no suspension for a period exceeding ten days shall be made except after giving the mutawalli a reasonable opportunity of being heard against the proposed action.

(6) Where any appeal is filed by the mutawalli to the Tribunal under sub-section (4), the Board may make an application to the Tribunal for the appointment of a receiver to manage the 1 [waqf] pending the decision of the appeal, and where such an application is made, the Tribunal shall, notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908), appoint a suitable person as receiver to manage the 1 [waqf] and direct the receiver so appointed to ensure that the customary or religious rights of the mutawalli and of the 1 [waqf] are safeguarded.

(7) Where a mutawalli has been removed from his office under sub-section (1), the Board may, by order, direct the mutawalli to deliver possession of the 1 [waqf] property to the Board or any officer duly authorised in this behalf or to any person or committee appointed to act as the mutawalli of the 1 [waqf] property. (8) A mutawalli of a 1 [waqf] removed from his office under this section shall not be eligible for re-appointment as a mutawalli of that 1 [waqf] for a period of five years from the date of such removal.”



19. In fact, the Hon'ble Supreme Court in *Union of India Vs. T.R. Varma's case*, held that Evidence Act is not applicable to enquiries before Tribunals and as long as principles of natural justice are followed, the enquiry cannot be termed as defective. The ratio laid down by the Hon'ble Supreme Court would apply in all force to the facts of the present case. Before the Board, enquiry commenced in April 2023 and went on till October 2024 and the appellants fully participated at the enquiry and therefore, I do not see any merit in the allegations that the enquiry is a farce and the principles of natural justice have been violated. The Tribunal has also rightly considered these aspects and found that the appellants were effectively represented by counsel.

20. In fact, the Board has applied its mind to each of the charges and exonerated the appellants in respect of the charges 6, 8, 10, 12 and 13 and found the charges 1 to 5, 7, 9, 11, 14 to 19 alone have been proved. Therefore, I see no force in the submissions of the learned counsel for the petitioner and the appellants that the enquiry has not been properly conducted. Each of the charges have been dealt with separately. The explanation offered by the appellants and the petitioner has been duly considered and factual findings have been rendered by the Board and also affirmed by the Tribunal. Therefore, exercising revisional powers, I am unable to interfere with the findings of fact arrived at concurrently, considering the materials placed on both sides. The scope of revision is also limited under Article 227 of Constitution of India and I do not see any



illegality or perversity in the findings arrived at by the Board and affirmed by the Tribunal warranting interference in the revision petition.

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21. This Court sitting in revision cannot conduct any roving enquiry and even assuming one or two further charges have been wrongly found to be proved, when the Board has specifically noticed that the petitioner has admitted to some of the charges and that there has been gross misappropriation of funds and maladministration in respect of other proven charges, I see no purpose in interfering with the decision of the Tribunal affirming the order of the Waqf Board.

22. Insofar as the reliance placed on in *Bongaigaon Refinery's case*, that was a case where the Hon'ble Supreme Court held that a particular member alone cannot be targeted and all other members of the Committee would be equally responsible. However, the decision was on the facts of the case before the Hon'ble Supreme Court. Here, it is a matter of fact that the appellants and the petitioner have been under direct control and management and specific allegations have been made against them. Though the Board removed elected other 18 members, the Tribunal has rightly given them liberty to participate in the fresh elections to be conducted. Therefore, I do not see this decision coming to the aid of the appellants/petitioner.



23. In fine, both the Civil Revision Petition and the Civil Miscellaneous Appeal are dismissed. There shall be no order as to costs. Connected Civil Miscellaneous Petitions are closed.

13.03.2026

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

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1.The Tamil Nadu Waqf Tribunal, Chennai.

2.Tamil Nadu Waqf Board,
Rep. by its Chairman,
No.1.Jaffar Syrang Street,
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P.B.BALAJI.J,

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13.03.2026