



W.A.(MD)No.30 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 12.01.2026

CORAM:

THE HONOURABLE **DR.JUSTICE G. JAYACHANDRAN**
AND
THE HONOURABLE **MR.JUSTICE K.K. RAMAKRISHNAN**

W.A.(MD)No.30 of 2026
and
C.M.P.(MD)No.301 and 304 of 2026

M.K.I.Kanavai Pitchai

...Appellant

Vs.

1.S.Azaruddin Sikkandar Kani

2.The Chief Executive Officer,
The Tamilnadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallalseethakathi Nagar,
Chennai.

... Respondents

PRAYER:- Writ Appeal – filed under Clause 15 of the Letters Patent, to set aside the order passed in W.P.(MD)No.29312 of 2025 dated 17.12.2025.

For Petitioner : Mr.V.Ramamurthy

For Respondents : Mr.Mahaboob Athiff (R1)
Mr.D.S.Haroon Rasheed (R2)
Standing Counsel



W.A.(MD)No.30 of 2026

JUDGMENT

(Judgment of the Court was delivered by **DR.G.JAYACHANDRAN, J.**)

The instant writ appeal is directed against the order passed by the learned Single Judge, in and by which an Advocate Commissioner was appointed for conducting election of the Office Bearers of Tirumangalam, Kodimaththeru and Keelatheru Pallivasal Muslim Lebbai Jamath Pallivasal.

2.According to the learned counsel appearing for the appellant the proforma of the Waqf Board clearly indicates that the Office Bearers of the Jamath have to be 'selected' and not 'elected', whereas the impugned order of the learned Single Judge directs the Advocate Commissioner to 'elect' the Committee members of the Jamath, which is on the face of it, erroneous.

3.That apart, the learned counsel for the appellant also contended that any dispute relating to Jamath has to be referred to the Tribunal as provided under Section 83 of Waqf Act. Neither the civil suit nor the writ petition under Article 226 of the Constitution of India is



W.A.(MD)No.30 of 2026

maintainable as per the dictum laid down by the Hon'ble Supreme Court in the case of ***Board of Wakf, West Bengal vs. Anis Fatma Begum and another dated 23.11.2010.***

4.The learned Counsel appearing for the Waqf Board and the learned Counsel appearing for the first respondent, who is the writ petitioner, submit that the appellant herein, the former muthavalli of the Pallivasal, even after the expiry of the period of the earlier Committee, is not inclined to undergo the process of appointing a new Committee by democratic process. Hence, delaying the process of constituting the new committee, which forced the first respondent to file the writ petition seeking mandamus to appoint an Advocate Commissioner to conduct the election for the Office Bearers of the said Pallivasal.

5.After hearing the parties and by consent, one Mr.K.R.Badurus Zaman, learned Government Advocate, was appointed as an Advocate Commissioner to conduct the election for the said Pallivasal and he has commenced the election process by sending notice to the members of the Pallivasal.



W.A.(MD)No.30 of 2026

6. According to the learned counsel appearing for the appellant the manner in which, the Advocate Commissioner has conducted himself, has caused suspicion about his neutrality and therefore, the order of the learned Single Judge requires interference.

7. On perusing the proforma issued by the Waqf Board in respect of the said Jamath, we find that the Jamath has to be administered by a Committee of 12 members and one Advisor Selection, if made by the Muslim Jamaath of Keelatheru once in a year.

8. Relying upon the expression 'selection' used in the proforma, the learned Counsel for the appellant contended that the Committee members must be 'selected' and not 'elected'.

9. The said point was canvassed even before the learned Single Judge, for which the learned Single Judge has clearly explained that if there is no contest for the membership, it will be by 'selection' and if there is contest for the post and more than 12 members contest for the post, it has to be by way of 'election'.



W.A.(MD)No.30 of 2026

10.This court is in total agreement with the said explanation.

Insofar as the allegation about the neutrality of the Advocate Commissioner appointed by this court is concerned, we do not find any substance. However, considering the number of voters and the volume of work involved, we are of the view that the Advocate Commissioner, namely Mr.Badurus Zaman shall be assisted by two more Advocate Commissioners.

11.Accordingly, *Mr.K.Yasar Arafath [Enrl:2579/16, No.12A, JBC Garden, Melur Main Road, Uthangudi, Madurai, Ph:88830 76485]* and *Mr.P.Mohammed Suhail [Enrl:1434/20, No.4/370, Lake Area, Melur Road, Ajmal Associates, Mattuthavani, Madurai, Ph:63809 39005]*, are appointed as Advocate Commissioner to carry the mandate issued by this court on 17.12.2025.

12.The remuneration for the newly appointed Commissioners is fixed as Rs.50,000/- (Rupees Fifty Thousand only), each, to be paid by the appellant herein.



W.A.(MD)No.30 of 2026

13.The election process will be continued by Mr.Badurus Zaman, with the assistance of the Advocate Commissioners now appointed by this Court.

14.With the above directions, this writ appeal stands disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

[G.J., J.] & [K.K.R.K., J.]
12.01.2026

Index :Yes/No
Internet :Yes
ta

Note: Issue order copy on 12.01.2026



WEB COPY



W.A.(MD)No.30 of 2026

DR.G. JAYACHANDRAN, J.
AND
K.K. RAMAKRISHNAN, J.

ta

W.A.(MD)No.30 of 2026

12.01.2026