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W.P(MD).No.1450 of 2026

W.P(MD).No.1450 of 2026  
and  
W.M.P.(MD)Nos.1145 and 1146 of 2026

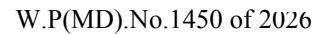
**D.BHARATHA CHAKRAVARTHY, J.**

This matter came up for hearing today under the caption 'For Being Mentioned' at the instance of the learned counsel appearing for the petitioner.

2. In view of the submission made, the appearance of the learned counsel appearing for the 6<sup>th</sup> respondent of the order dated 03.03.2026, is hereby modified and shall be read as follows:-

For R6 : Mr.A.N.Ramanathan

3. In view of the further submission made, Paragraph No.2 and 4 of the order dated 03.03.2026, are hereby modified and shall be read as follows:-



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W.P(MD).No.1450 of 2026

**D.BHARATHA CHAKRAVARTHY, J.**

rgm

W.P(MD).No.1450 of 2026  
and  
W.M.P.(MD)Nos.1145 and 1146 of 2026

06.03.2026



W.P(MD).No.1450 of 2026

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 03.03.2026**

**CORAM:**

**THE HONOURABLE MR.JUSTICE D.BHARATHA  
CHAKRAVARTHY**

**W.P.(MD)No.1450 of 2026**

**and**

**W.M.P.(MD)Nos.1145 and 1146 of 2026**

A.Mohamed Ali Jinna  
Petitioner

...

-VS-

1.The Tamil Nadu Wakf Board,  
Rep. by its Chairman,  
No.1, Jaffer Syrang Street,  
Vallal Seethakathi Street,  
Chennai.

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

3.The Superintendent Wakf,  
Madurai District,  
Madurai.

4.Mohamed Yusaf

5.M.Mohamed Abdulla

6.Nazeerunnisa Begam

...



W.P(MD).No.1450 of 2026

Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the notice issued by second respondent through his proceedings in RC.No. 14317/14/B8/MDU, dated 09.01.2026 and quash the same.

|                |   |                                                |
|----------------|---|------------------------------------------------|
| For Petitioner | : | Mr.T.S.Mohamed Mohideen                        |
| For R1 to R3   | : | Mr.D.S.Haroon Rasheed<br>Standing Counsel      |
| For R4 and R5  | : | Ms.H.Jasima Yasmin<br>for M/s.Ajmal Associates |
| For R6         | : | Mr.V.P.Rajan                                   |

### **ORDER**

This Writ Petition has been filed for issuance of a Writ of Certiorari, calling for the records relating to the impugned proceedings dated 09.01.2026 on the file of the second respondent and to quash the same.

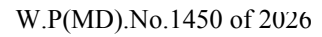
2. Heard *Mr.T.S.Mohamed Mohideen*, learned counsel for the petitioner; *Mr.D.S.Haroon Rasheed*, learned Standing Counsel for the respondents 1 to 3; *Ms.H.Jasima Yasmin*, learned counsel for respondents 4 and 5; and *Mr.V.P.Rajan*, learned counsel for the sixth respondent.



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3. It is seen that the impugned proceedings dated 09.01.2026 were issued by the Waqf Board calling upon the petitioner to appear for an enquiry to determine whether he is an encroacher of the waqf property and, if so, whether possession should be recovered from him. Earlier, the fifth respondent herein had filed W.P.(MD)No.35157 of 2025 and this Court, by order dated 09.12.2025, directed the Waqf Board to consider the representation and pass orders in accordance with law. Pursuant thereto, the present impugned notice has been issued.

4. The contention of the petitioner is that he is a lawful tenant, having been inducted under a lease deed dated 12.04.1998 executed by one Piyarijan Bibi, who, according to him, was the Mutawalli by Proforma. A sum of Rs.1,50,000/- was paid as advance at the time of execution of the lease deed. Therefore, the petitioner cannot be treated as an encroacher. It is further contended that the sixth respondent had earlier attempted to partition the waqf property and adverse orders had been passed against her by the Waqf Board. According to the petitioner, relevant earlier proceedings have been suppressed and he is now unnecessarily subjected to enquiry.



7. I have considered the rival submissions and perused the materials available on record.



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8. The contentions raised by the learned counsel for the petitioner and the learned counsel for the respondents 4 and 5 involve disputed questions of fact, which cannot be adjudicated in a writ petition challenging a mere enquiry notice. It is open to the petitioner to place all relevant documents before the second respondent to substantiate his claim that he is a lawful tenant and not an encroacher. Likewise, it is open to the respondents 4 and 5 to place materials before the second respondent to establish that the petitioner is an encroacher and that action for removal should proceed.

9. The learned Standing Counsel for the respondents 1 to 3 has submitted that only a notice has been issued and that no final decision has been taken. The second respondent will consider the claims of all parties dispassionately and pass orders in accordance with law.

10. Recording the said submission and directing the second respondent to complete the enquiry as expeditiously as possible, the Writ Petition stands disposed of. It is needless to mention that notice shall also be issued to the sixth respondent and to any other persons interested, if required, by the second respondent. No costs. Consequently, connected



W.P(MD).No.1450 of 2026

Miscellaneous Petitions are closed.

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**03.03.2026**

Neutral Citation : Yes / No  
smn2

To:-

- 1.The Chairman,  
Tamil Nadu Wakf Board,  
No.1, Jaffer Syrang Street,  
Vallal Seethakathi Street,  
Chennai.
- 2.The Chief Executive Officer,  
The Tamil Nadu Wakf Board,  
No.1, Jaffer Syrang Street,  
Vallal Seethakathi Street,  
Chennai.
- 3.The Superintendent Wakf,  
Madurai District,  
Madurai.



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W.P(MD).No.1450 of 2026

**D.BHARATHA CHAKRAVARTHY, J.**

smn2

**W.P.(MD)No.1450 of 2026**

**03.03.2026**