

W.P.(MD)No.2560 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 17.06.2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD) No.2560 of 2025
and W.M.P.(MD) Nos.1807 and 1808 of 2025

Sulthan Ibrahim

... Petitioner

Vs.

1.The Chief Executive Officer,
Wakf House,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

2.The Wakf Inspector,
No.1, Town Hall Road Mosque,
Town Hall Road,
Madurai - 625 001.

3.The Secretary,
Jumma Thozhugai Pallivasal,
Samayanallur, Madurai.

(R3 is impleaded vide order dated 30.01.2026
in W.M.P(MD)No.18690 of 2025)

...Respondents

PRAYER:- Writ Petition – filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorari, calling for the entire records pertaining to the records in Na.Ka.No.S.31/V.AA/Madurai/2025 dated 09.01.2025, passed by the second respondent and quash the same as illegal, *ultra vires* and unconstitutional.



W.P.(MD)No.2560 of 2025

WEB COPY

For Petitioner : Mr.S.Ramesh

For R1 and R2 : Mr.S.A.Ajmalkhan
Standing Counsel

For R3 : Mr.N.A.Nassir Hussain

ORDER

The Writ Petition has been filed challenging the impugned proceedings dated 09.01.2025.

2. By the impugned proceedings, reference has been made to the orders passed by this Court in W.P.(MD)No.25887 of 2022 and W.P.(MD)No.13695 of 2020, and it has been recorded that, in view of the interim orders restraining the Waqf Board from conducting elections, the elections could not be held. It is further recorded that, in the interregnum, the existing administration headed by Jenab M.Tippu Sultan may continue to manage the affairs of the Waqf, albeit without taking any major policy decisions.

3. Assailing the said proceedings, the learned counsel for the petitioner submitted that, by order dated 20.04.2023 in W.P.(MD) No.9077



W.P.(MD)No.2560 of 2025

of 2023, this Court had directed consideration of the representation seeking conduct of elections. Pursuant thereto, proceedings dated 22.01.2024 came to be issued, wherein the matter was considered in detail and directions were issued to take necessary steps for conducting and completing the elections within a period of three months. However, despite the said directions, no effective steps were taken and the impugned proceedings have now been issued.

4. The learned counsel further submitted that the Waqf Inspector has no jurisdiction to extend the tenure of the existing committee. According to him, once a direction had already been issued for conducting elections, the interim order restraining the Waqf Board from directly conducting the elections would not prevent the Jamaat itself from holding elections through its members. Therefore, the election process could very well have been completed in accordance with law.

5. Per contra, the learned Standing Counsel appearing for the Waqf Board submitted that the issue relating to the conduct of elections is intertwined with earlier proceedings and disputes that are presently pending



W.P.(MD)No.2560 of 2025

before the Division Bench of this Court. Owing to the existence of competing claims and conflicts among the parties, elections could not be conducted until the disputes are resolved.

6. The learned counsel appearing for the third respondent submitted that there is no question of the Waqf Inspector exercising any jurisdiction to extend the tenure of the committee. According to him, the impugned proceedings merely record the continuance of the existing committee and do not confer any fresh tenure or authority upon it.

7. The learned counsel further submitted that the petitioner himself is an encroacher in respect of Waqf property and that several proceedings had been initiated against him, culminating in orders passed in C.R.P.(MD)No. 3223 of 2024 and O.A.No.64 of 2022 before the Waqf Tribunal. It was submitted that, even after being evicted from the property, the petitioner sought redelivery of possession, which request also came to be rejected. Thereafter, despite the earlier proceedings, the petitioner allegedly continued to interfere with the property, compelling the filing of O.A.No. 106 of 2025, in which an order of injunction was granted restraining him



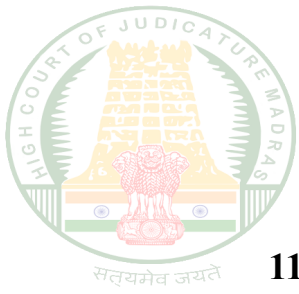
W.P.(MD)No.2560 of 2025

from interfering with the Waqf property. According to the learned counsel, even as on date, the petitioner has not relinquished his claim over the property despite having been found to be an encroacher.

8. It was further contended that the petitioner is not a member of the Jamaat. In any event, he is an encroacher and has suppressed material facts by failing to disclose the aforementioned proceedings in the affidavit filed in support of the present Writ Petition. It was also submitted that, on an earlier occasion, the petitioner had set up a third party to initiate proceedings and, having failed in those attempts, has now approached this Court in his own name.

9. I have considered the rival submissions made on either side and perused the materials available on record.

10. Insofar as the conduct of elections to the Jamaat is concerned, it is true that certain issues relating thereto are pending consideration before the Division Bench of this Court. This Court has also clarified in the earlier proceedings that the orders passed therein would not preclude the Jamaat itself from conducting elections in accordance with law.

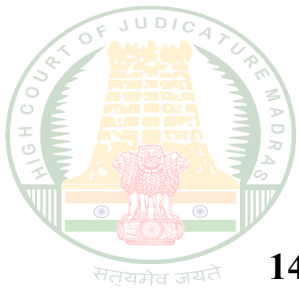


W.P.(MD)No.2560 of 2025

11. Be that as it may, the present issues cannot be examined at the instance of the petitioner. Though the petitioner claims to be a member of the Jamaat, the learned counsel for the petitioner is unable to dispute the proceedings initiated against him for eviction from Waqf property on the ground of encroachment. The materials placed before this Court indicate that the petitioner has been found to be an encroacher and that several proceedings have been pursued against him in that regard.

12. A person who has been found to be an encroacher upon Waqf property cannot seek equitable relief under Article 226 of the Constitution of India without first approaching the Court with clean hands. Further, the petitioner has failed to disclose the earlier proceedings relating to his status as an encroacher and the orders passed therein. Such suppression of material facts disentitles the petitioner from invoking the discretionary jurisdiction of this Court.

13. In the above circumstances, I am not inclined to entertain the relief sought for by the petitioner with reference to the affairs of the Waqf.



W.P.(MD)No.2560 of 2025

14. For all the aforesaid reasons, finding no merit in the Writ Petition, the same stands dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

15. It is, however, made clear that this order shall not preclude the competent authorities or the Jamaat from taking appropriate steps, in accordance with law, for conducting elections to the Waqf/Jamaat administration.

17.06.2026

NCC : No
smn2
To

- 1.The Chief Executive Officer,
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- 2.The Wakf Inspector,
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W.P.(MD)No.2560 of 2025

D.BHARATHA CHAKRAVARTHY, J.

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W.P.(MD)No.2560 of 2025

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