



W.P(MD)No.5651 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 02.03.2026

CORAM

THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

**W.P(MD)No.5651 of 2026
and
WMP(MD) Nos.4707 and 4708 of 2026**

Scheme Trust Board of Peria Pallivasal
Rep by its President
Pandaravadai
Thanjavur District
K.P.A.Jaffer Ali
S/o Abdul Majeed.

... Petitioner

Vs.

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

2.Abdul Malik

...Respondents

Writ Petition is filed under article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the impugned proceedings issued by the 1st respondent in RC.No.12306/15/B7/TNJ dated 31.03.2023 and also the show cause notice dated 08.01.2026 issued by the 1st respondent and quash the same and consequently allowing the petitioner Trust Board to comply with the terms and conditions of the scheme decree passed in I.A. No.222/1986 dated 14.02.1986 for furnishing of accounts of the Scheme Trust Board.



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For Petitioner	:Mr.G.Prabhu Rajadurai for Mr.B.Jameelarasu
For R1	:Mr.K.Jeyamohan
For R2	:Mr.K.Navaneetharaja

ORDER

The Writ Petition is filed for a Certiorarified Mandamus, calling for the impugned proceedings issued by the first respondent, dated 31.03.2023 and the show cause notice dated 08.01.2026 issued by the first respondent and to quash the same and consequently allow the petitioner Trust Board to comply with the terms and conditions of the scheme decree passed in I.A.No.222 of 1986, dated 14.02.1986.

2.Upon hearing the learned counsel for the petitioner and perusing the material records of the case, the grievance of the petitioner is that the scheme framed by the competent Civil Court governs the Waqf in question, namely, Peria Palivasal, Pandaravadai, having Waqf No.393-TNJ. By order dated 14.01.1986, the Muthavalli is enjoined upon to submit the accounts relating to the Waqf to the scheme Court once in every 3 months. Earlier, when the Waqf Board filed an application requesting that the account should be submitted to the Waqf Board, the civil Court dismissed the same, by directing the Waqf Board to file an application for amendment of the scheme and did not entertain the prayer made by the Waqf Board.

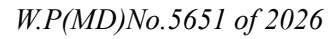


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3. Under the said circumstances, the impugned orders are result of series of proceedings by the Waqf Board repeatedly requesting the Muthavalli to submit the accounts before it. Repeatedly, it is the contention of the Muthavalli that as directed by the civil Court, the Waqf Board should take steps to file an application for amendment of decree and as and when the decree is amended, they will submit the accounts before the Waqf Board. In spite thereof, the impugned proceedings are issued. Now, for failing to submit the accounts, further proceedings are also threatened and therefore, the petitioner is before this Court.

4. The learned counsel appearing on behalf of the Waqf Board would submit that it is true that the Civil Court passed orders in the year 1986, requesting the Waqf Board to make out an application. Subsequently, the Waqf Act, 1995, came into force and thereafter, it is the Waqf Board, which has partaken the character of the Scheme Court. Therefore, no such amendment of decree is necessary as on date. In spite of the knowledge, the petitioner is not submitting the accounts and therefore it requires action.

5. Mr. K. Navaneetharaja, learned counsel taking notice on behalf of the second respondent would submit that the second respondent has been making several representations and reminders, in spite of which, the accounts



are not to be seen, till date and therefore, no indulgence should be shown to the petitioner.

6.I have considered the rival submissions made on either side and perused the material records of the case.

7.By virtue of the dictum of this Court in W.A.No.1640 of 2016 (*The Managing Trustee, Nagore Dargah, Nagore Vs. Haja Joordeen Sahib @ Alhaj Dr.S.Syed Kamil Sahib*), dated 08.06.2018, it has been held that the Waqf Board has partaken as the Scheme Court and therefore, the contention of the petitioner that the Waqf Board has to move an application for amendment of decree can no longer hold good after coming into force of the Waqf Act, 1995.

8. In view thereof, when the Waqf Board is requesting for the accounts, it is for the petitioner Muthavalli to submit all the accounts and the Waqf Board will thereafter be entitled to check whether the petitioner all along has been submitting the accounts to the Scheme Court and also on the merits of the accounts and take any further action, but no action need be taken for non submission of the account to the Waqf Board itself, as the clarification is now made by this Court.



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9. In view thereof, this Writ Petition is disposed of on the following

terms:-

The petitioner shall submit the accounts as required by the Waqf Board from the year 2015 to till date within a period of eight weeks from the date of receipt of a web copy of this order, without waiting for the certified copy of this order, and thereafter, it will be open for the Waqf Board to consider the accounts and pass further orders as per law, by taking into consideration the observations made supra.

No costs. Consequently, connected Miscellaneous Petitions are closed.

02.03.2026

NCC : Yes / No

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D.BHARATHA CHAKRAVARTHY, J.

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