



W.P(MD)No. 6780 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED :12.03.2026

CORAM:

THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

W.P(MD)No. 6780 of 2026

and

W.M.P.(MD) Nos.5608 & 5609 of 2026

Mohammed Ghouse Thaikka,
rep. through its Mutawalli
Janab.K.Shafi Ahamed Khan.

... Petitioner

Vs

1. The Tamil Nadu Wakf Board,
Rep Through its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai.

2. The Superintendent of Waqf,
No.51/80, KOP Complex,
Kulavanigarouram Road,
Palayamkottai,
Tirunelveli – 627001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the first respondent in Se.Mu.No.9846/22/AA1/Thiveli dated 21.03.2023 and quash the same insofar as the condition No.1 alone restricting the period of Mutawalliship and consequently, recognize the right of Hereditary Mutawlli until the lifetime or removal as contemplated under law.



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For Petitioner : Mr. H.Arumugam

For Respondents : Mr.K.Jeyamohan
Standing Counsel

ORDER

The writ petition is filed, challenging the impugned order dated 21.03.2023. By the impugned order, even though the petitioner is recognized as a hereditary Mutawalli, the time period is fixed up to 13.03.2026. The same is now going to expire and therefore, the petitioner has approached this Court on the last day.

2. Mr.K.Jeyamohan, learned Standing Counsel, taking notice on behalf of the Wak Board, would submit that it is true that in certain judgments, it has been held that in respect of hereditary Mutawalli, the time period need not be fixed, but at the same time when orders were passed in the year 2023, the petitioner accepted the same and did not raise any objection.

3. In view thereof, it is submitted that he can once again make a



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fresh application and this time while recognizing, the Waqf Board will appropriately apply its mind and will not impose any outer time limit.

4. In view thereof, this writ petition is disposed on the following terms:

- (a) The petitioner shall once again make a fresh application to continue/recognize him as the hereditary Mutawalli;
- (b) As and when such an application is made, the first respondent Board shall consider the same in accordance with law and pass orders thereon, and due application of mind shall be made with reference to the period that is being fixed;
- (c) In the meanwhile, the petitioner will be entitled to continue as the Mutawalli;
- (d) Needless to mention that the due procedure, including obtaining the No Objection Certificate from the other interested parties, such as the siblings of the petitioner, shall be obtained by the petitioner and be submitted along with the application; and



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(e) No costs. Consequently, connected miscellaneous petitions are closed.

NCC : Yes/No
apd

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D.BHARATHA CHAKRAVARTHY.,J.

apd

ORDER MADE IN

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