



W.P(MD)No.7859 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2026

CORAM

THE HON'BLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition(MD)No.7859 of 2026

and

W.M.P(MD).Nos.6443 and 6444 of 2026

S.A.Mohammed Naufal

..Petitioner

Vs

1.Tamilnadu Waqf Board,
rep., by its Chairman,
No.1, Jaffer Syrang Street,
Vallalseethakathi Nagar,
Chennai 600 001.

2.The Superintendent of Waqf,
Tirunelveli, Tirunelveli District.

3.M.Mohammed Rizwan

4.A.Majeed

5.A.K.Mujeeb Rahman

..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 passed by the first respondent in Proc.17228/09/B1/K.Kumari dated 05.03.2026 quash the same as consequently to declare the candidature of the above said three elected members (R3 to R5) as null and void and further direct the remaining eligible members to take part in the administration of “Uthuman Lebbai Sahib Masjid Jamath (Mosque)” managing Committee within the time limit that may be stipulated by this Court.



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For Petitioner	: Mr.N.Mohideen Basha
For R1 & R2	: Mr.S.A.Ajmalkhan Standing Counsel
For R3 to R5	: Mr.M.Mahaboob Athiff

ORDER

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.This writ petition is filed challenging the impugned order passed by the 1st respondent dated 05.03.2026 and consequently, to declare the candidatures (respondents 3 to 5) as null and void and further, direct the eligible members to take part in the administration of Uthuman Lebbai Sahib Masjid Jamath(Mosque), Managing Committee.

3.Upon hearing the learned counsel for the petitioner, the case of the petitioner is that when the election with reference to the aforementioned waqf was conducted, in spite of resolutions by the Jamath members, the respondents 3 to 5 were declared to be elected and their election is also accepted by the Waqf Board. The contention of the petitioner is that with reference to the third respondent, the majority members have passed the resolution as finding him not suitable for the Office as he tried to create a communal disharmony. As far as the fourth respondent is concerned, his mother is a tenant in respect of the Waqf property and therefore, he is



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disqualified to hold Office of the Mutawalli. As far as the fifth respondent is concerned, the allegation is that he is not practicing the same sect and practices, for which, the mosque is established. He has to be a part of the other mosque in respect of the sect, which he is following.

4.Per Contra, the learned Standing Counsel appearing on behalf of the Waqf Board would submit that by virtue of Section 83 of the Waqf Act, all these questions have to be raised only before the Tribunal, especially when the petitioner is challenging the election of the respondents 3 to 5. It is submitted that the election has already been approved by the Waqf Board and the names have been recognized. Further, the Chief Executive Officer, who is the appropriate authority to pass orders, is not even made as a respondent in the writ petition.

5.The learned counsel, who takes notice on behalf the respondents 3 to 5, would submit that the writ petition itself is motivated. The petitioner, Mohammed Naufal, is the Driver working under one Dr.S.Mohammad Afzal. The said person had earlier filed W.P.(MD).No.36881 of 2025 challenging the election notification and the same was rejected with direction for him to approach the Tribunal, if he is still aggrieved. Therefore, now, he has made the petitioner to file the present petition. The allegations mentioned in the affidavit are not admitted by the respondents 3 to 5. In view of the disputed



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questions of fact, even if the petitioner is aggrieved, he can only be relegated to the Tribunal and these questions cannot be entertained by this Court.

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

7.When the writ petitioner is challenging the election of the respondents 3 to 5, which election has already been conducted and the Waqf Board has also declared the names of Office bearers by passing orders of recognition, the remedy that is open to the writ petitioner is only to approach the Waqf Tribunal and it is only the Waqf Tribunal, which can decide the matter after going into evidence with reference to the allegations in respect of respondents 3 to 5. The suitability, following of a different sect and being in control of the Waqf property are the allegations. Therefore, that liberty is kept open to the petitioner and this writ petition cannot be entertained.

8.The petitioner can very well approach the Waqf tribunal in respect of the allegations made by him and it is for the Tribunal to consider the same in accordance with the law. As far as the allegation relating to the fourth respondent is concerned, the petitioner shall make a specific representation



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within two weeks from the date of receipt of the web copy of the order, to the first respondent Board, notwithstanding the pendency of his election dispute before the Tribunal. Upon receipt of such application, the Waqf Board shall take up the same for enquiry by issuing notice to the petitioner as well as the fourth respondent with respect to the limited question of the disqualification with reference to the fourth respondent's mother being alleged to be a tenant under the same Waqf. The said question shall be decided by the first respondent, after giving due opportunity to the fourth respondent as well as his mother and upon hearing both sides in the manner known to law. As and when the representation is made, the same shall be decided within a period of three months therefrom.

9. With the above directions, this Writ Petition is disposed of. No costs.

24.03.2026

NCC : Yes/No

Index : Yes/No

Internet: Yes

Rmk

To

1. Tamilnadu Waqf Board,
rep., by its Chairman,
No.1, Jaffer Syrang Street,
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2. The Superintendent of Waqf,
Tirunelveli, Tirunelveli District.



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D.BHARATHA CHAKRAVARTHY, J.

Rmk

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