



W.P.(MD) No.8981 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.04.2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD) No.8981 of 2026

and

W.M.P.(MD) Nos.7205 & 7206 of 2026

S.Abdul Kapoor @ Seerin,
Nattanmai (President),
Madurai Therkku Vasal Melatheru
Vazh Muslim Uravinmurai,
131, South Perumal Mastri Street,
Madurai - 1.

... Petitioner

Vs.

1.The Principal Secretary,
State of Tamil Nadu,
Backward Classes, Most Backward Classes
and Minority Welfare Department,
Fort St. George, Chennai - 600 009.

2.The Chairman,
Tamil Nadu Waqf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

3.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.



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4.The Waqf Superintendent /
Executive Officer
Tamil Nadu Waqf Board,
Madurai Waqf Board Office Circle,
No.1, Town Hall Road Pallivasal,
2nd Floor, Madurai - 625 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari to call for the records of the impugned Tamil Nadu Gazette Notification No.VI-3(a)/18/2026 dated 04.03.2026 issued by the second respondent as per the Resolution No.193/23 in R.C. No.5367/09/B8/MDU dated 30.12.2025 and quash the same as illegal.

For Petitioner : Mr.N.Murugesan

For R1 : Mr.M.Lingadurai
Special Government Pleader

For R2 to R4 : Mr.D.S.Haroon Rasheed
Standing Counsel

ORDER

This Writ Petition is filed challenging the impugned Gazette Notification No.VI-3(a)/18/2026 dated 04.03.2026, which has been issued for taking over the direct management of Madurai Therkku Vasal Melatheru Vazh Muslim Uravinmurai Waqf, placing it under direct administration of the Waqf Board and appointing the Superintendent of Waqf, Madurai.



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2. Upon hearing the learned counsel for the petitioner and perusing the material records of the case, it is the case of the petitioner that the property was purchased in the year 1934 and is private in nature. There is no dedication in respect of the same and the present Notification is illegal. The property is being run as a trust for the purpose of providing food to the poor persons of the village and the petitioner has been administering the same. In the absence of any express dedication, the Waqf Board has no jurisdiction to take over direct management. No notification has been issued after due notice to the petitioner. The procedure contemplated under Section 37 of the Waqf Act, 1995 has not been followed. In view thereof, the impugned Notification cannot be sustained.

3. The learned Standing Counsel, taking notice on behalf of the Waqf Board, would submit that in the instant case, the subject Waqf has been registered as No.306/MDU and the same was duly enumerated by following the due process of law and the prescribed pro forma and was also published as early as in the year 2009. Even though the same has been registered after due inquiry, it falls within the definition of Waqf and is under the control of the Tamil Nadu Waqf Board. In view of the allegations, the impugned Notification has now been issued to take over



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direct management. The learned Standing Counsel, by pointing to the Sale Deed relied upon by the petitioner, would submit that the Sale Deed dated 23.03.1934 itself clearly shows that the property was purchased on behalf of Mohideen Andavar Kanthiri and that the entire sale consideration was paid by the Jamath. There is also a mosque in existence on the property.

4. In reply thereto, the learned counsel for the petitioner would reiterate that no enquiry whatsoever has been conducted and even now, the Waqf Board is not in a position to produce any notice that was issued to the petitioner prior to publishing the pro forma.

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

6. Since, *prima facie*, even in the Sale Deed it is mentioned that the purchase was made on behalf of Mohideen Andavar Kanthiri and that the sale consideration was paid by the Jamath, even if the petitioner contends otherwise, namely that the property was not dedicated and that the proper procedure at the time of registration of the Waqf was not followed, it will be open to the petitioner to approach the Waqf Tribunal or the Civil



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Court, as the case may be. Therefore, while keeping open the liberty of the petitioner to approach the Waqf Tribunal as against the enumeration/registration of the Waqf as well as the Notification, the present Writ Petition challenging the order of direct management on the ground that the property is not a Waqf cannot be entertained. It is also open to the petitioner to seek appropriate interim relief before the Tribunal or the Civil Court, as the case may be.

7. Therefore, keeping the said liberty open, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

01.04.2026

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Neutral Citation : Yes / No

To

- 1.The Principal Secretary,
State of Tamil Nadu,
Backward Classes, Most Backward Classes
and Minority Welfare Department,
Fort St. George, Chennai - 600 009.
- 2.The Chairman,
Tamil Nadu Waqf Board,



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No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.
- 4.The Waqf Superintendent /
Executive Officer
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