



WEB COPY

W.P(MD)No.11085 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 17.04.2026

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

**W.P(MD)No.11085 of 2026
and
W.M.P(MD)Nos.8607 and 8610 of 2026**

K.Sheik Dawood

... Petitioner

Vs.

1.The Tamil Nadu Waqf Board,
Rep by its Chairman
No.1, Jaffer Syrang Street,
Valla Seethakathi Nagar,
Chennai-600 001.

2.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Valla Seethakathi Nagar,
Chennai-600 001.

3.A.Mansur Hussain

...Respondents

Writ Petition is filed under article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records of the 2nd respondent in Proc.No.12872/25/B8/DGL dated 02.04.2026 and to quash the same as illegal, arbitrary, without jurisdiction, against provision of Umeed Act, 1995 and also as against the settled principle of natural justice.



WEB COPY

W.P(MD)No.11085 of 2



For Petitioner
For R1 & R2

:Mr.A.Ajimath Begum
:Mr.S.A.Ajmalkhan
Standing Counsel

ORDER

This writ petition is filed challenging the impugned order dated 02.04.2026 and to quash the same.

2. Upon hearing the learned counsel for the petitioner and perusing the material records of the case, the case of the petitioner is that the private respondent herein earlier had made a complaint as against the petitioner and the other committee members. The matter ultimately was decided by the Waqf Board pursuant to the direction of this Court by hearing both sides and the allegations were found to be incorrect and accordingly, the committee was also recognized and they are continuing. As a matter of fact, the third respondent repeatedly tried to raise the very same allegation in the subsequent writ petitions and the contempt proceedings. The fact that earlier itself the entire issue has been dealt with and closed. In spite of the same, once again, the 3rd respondent seemed to have filed yet another writ petition. After all, the Chief Executive Officer had also implemented the resolution of the Waqf Board. Thereafter, based on yet another order to consider the representation and earlier representation of the third respondent is now taken up and the impugned order is now passed.



3.The entire issue has been decided by the Waqf Board as well as by this Court and when the Chief Executive Officer has not even chosen to exercise his power under Section 26 of the Waqf Act,1995, in differing with the Board and has accepted the earlier order, there is no question of passing the impugned order.

4.Per Contra. The learned Standing Counsel appearing on behalf the respondents would submit that the earlier issue relating to certain other allegations against the petitioner and others and their qualification and the election. With reference thereto, the matter is decided and even the Waqf Board has also observed on merits that they have not indulged in any misappropriation or any other omission or Commission and approved their election and they were continuing. As far as the present order is concerned, the same is passed based on as an allegation with reference to the subsequent aspects of misappropriation of the funds etc. The Chief Executive Officer has not passed any final order, but he has only found that there are allegations and since the Waqf Board is the appropriate authority to consider the issue, has only ultimately placed the issue for the consideration of the Waqf Board.



5. In reply thereof, the learned counsel for the petitioner would submit that the findings are made by the Chief Executive Officer as if the petitioners have indulged in certain commissions and omissions, which have no basis at all. As a matter of fact, the finding is also made as if the committee is unauthorized, only continuing as on date the facts recorded are absolutely erroneous.

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

7. It can be seen from the operative portion of the order, the Chief Executive Officer is only placing the facts before the Waqf Board to consider. Therefore, merely because the Chief Executive Officer had made some observations in the impugned order, the same will not bind the petitioner or the Waqf Board. The Waqf Board shall give due opportunity to the petitioner, if it chooses to consider the order of the Chief Executive Officer and to proceed further. The petitioner will be entitled to place all the objections with reference to the findings of the Chief Executive Officer and also with reference to the earlier proceedings, including the legal contention that this exercise is nothing but reopening the very same stale issue and the same shall be considered by the Board. If necessary, an independent enquiry



can also be conducted by the Waqf Board. The finding of the Chief Executive Officer with reference to any aspect cannot be treated as final and everything will be subject to the further consideration of the Waqf Board.

8. With the said observations and the liberties kept open for the petitioner to participate in the proceedings before the Waqf Board, this writ petition, at this stage as against the present impugned proceedings dated 02.04.2026 need not be entertained and accordingly stands disposed of. The learned counsel for the petitioner would submit that even the inspection report is also not furnished to the petitioner, the copies of all the documents that are relied upon by the Waqf Board shall be furnished to the petitioner. No costs. Consequently, connected miscellaneous petitions are closed.

17.04.2026

NCC:Yes/No
Ns



WEB COPY

W.P(MD)No.11085 of 2



D.BHARATHA CHAKRAVARTHY, J.

Ns

**W.P(MD)No.11085 of 2026
and
W.M.P(MD)Nos.8607 and 8610 of 2026**

17.04.2026