



W.P.(MD)No.14013 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2026

CORAM

THE HONOURABLE **Mr. JUSTICE KRISHNAN RAMASAMY**

W.P.(MD)No.14013 of 2025 &
W.M.P(MD)Nos.10160 & 19727 of 2025

R.Dhoulath Hussain Khan

...Petitioner

vs.

1.The Tamil Nadu Waqf Board,
Rep. by its Chairman,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai.

2.The Chief Executive Officer,
The Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai.

3.The Superintendent of Waqf / Executive Officer,
Jumma Mosque Waqf,
Manapparai Taluk,
Trichy District.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari calling for the records relating to the resolution passed by the 1st respondent Board vide No.202/24 in Proceedings in Na.Ka.No.5342/23/A5/Trichy dated 25.02.2025 received by the petitioner on 22.04.2025 and the consequential notice issued by the 3rd respondent vide his proceedings dated 23.04.2025 in Na.Ka.G.S.N.162/Trichy/Vaka/Trichy/2025 and quash the same as illegal within the period that may be stipulated by this Court.



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For Petitioner : Ms.Jasima Yasmin
for M/s.Ajmal Associates

For Respondents : Mr.D.S.Haroon Rashith

ORDER

This Writ Petition has been filed challenging the resolution passed by the first respondent vide No.202/24 in Na.Ka.No.5342/23/A5/Trichy, dated 25.02.2025 and the consequential notice issued by the third respondent in Na.Ka.G.S.N.162/Trichy/Vaka/Trichy/2025, dated 23.04.2025.

2. The learned counsel appearing for the petitioner would submit that, in the present case, the petitioner received a show cause notice on 03.01.2025 and 15 days time was granted for reply. The petitioner filed his reply on 16.02.2025. However, the respondent claims that the reply was sent through registered post only on 18.02.2025. Though the impugned resolution of the first respondent Board is dated 25.02.2025, it was received by the petitioner belatedly, only on 22.04.2025. Even assuming that the petitioner sent the reply by RPAD only on 18.02.2025, the fact remains that the impugned resolution dated 25.02.2025 was received by the petitioner only on 22.04.2025. While so, the impugned notice was issued by the third respondent on 23.04.2025 intimating that a third party has been appointed as Executive Officer of the Waqf. Therefore, the learned counsel for the



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petitioner, raised suspicion, by referring to the date of the impugned notice i.e., 23.04.2025 and the date of receipt of the impugned resolution by the petitioner i.e., 22.04.2025. She would further submit that the petitioner has been functioning as a Hereditary Mutawalli from the year 1999. Under such circumstances, removing the petitioner from the post without even considering his reply is not only against the interest of the petitioner, but also a matter pertaining to the image of the petitioner. Therefore, she would submit that atleast one more opportunity is to be provided to the petitioner and prayed for appropriate orders.

3. The learned counsel appearing for the respondents strongly objected to the submissions made by the learned counsel for the petitioner with regard to the passing of the impugned resolution and delivering the same to the petitioner. On the other hand, he highlighted that though the petitioner claim that he has sent a reply on 16.02.2025, it was sent through RPAD only on 18.02.2025.

4. At this juncture, the learned counsel for the petitioner would submit that the present issue can only be adjudicated before the Waqf Board and insisted this Court to set aside the impugned resolution and notice and remand the matter for re-consideration. In the event this Court is inclined to



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remand the matter, let the existing members continue to function until and otherwise a final order is passed by the Waqf Board.

5. In reply, the learned counsel appearing for the respondents would submit that, if this Court feels so, the matter may be remanded and existing Mutawalli and other members continue to function without disturbance, until final orders are passed by the Waqf Board.

6. After elaborately hearing the arguments on either sides, this Court is of the considered view that since the petitioner acted as Hereditary Mutawalli from the year 1999, certainly removing him without affording sufficient opportunity and without considering his reply will definitely, not only be a matter of petitioner's interest, but also a concern of his image. Taking into consideration of this aspect, this Court is inclined to set aside the impugned resolution and notice and remand the matter for re-consideration.

7. Hence, the impugned resolution of the first respondent Board dated 25.02.2025 and impugned notice of the third respondent dated 23.04.2025 are set aside. Upon re-constitution of the Waqf Board, the first respondent / Waqf Board is directed to re-consider the subject matter and pass final orders within a period of three months from the date of re-constitution of the Board.



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Until then, the existing Mutawalli and members shall continue to function i.e., status as on today shall continue till the disposal of the subject matter with regard to the removal of the petitioner.

8. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected stay petition is closed and connected impleading petition is dismissed.

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Speaking / Non-speaking order
Index : Yes/No
NCC : Yes/No

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KRISHNAN RAMASAMY, J.

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