



W.P.(MD)No.21538 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD)No.21538 of 2016

and

W.M.P.(MD)Nos.15396 and 15397 of 2016

M.Bismilla Khan

... Petitioner

-VS-

1.The Principal Secretary to Government,
Backward / Most Backward Class and
Minorities Welfare Department,
Government of Tamil Nadu,
Fort St.George, Chennai.

2.Tamil Nadu State Wakf Board,
Rep. by its Chief Executive Officer,
1, Jaffar Sirang Street,
Vallal Sethakathi Nagar,
Mannady, Chennai.

3.M.S.S.Wakf Board College,
Rep. by its Secretary / Chief Executive Officer (I/c),
Wakf Board, K.K.Nagar,
Madurai - 625 020.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned G.O. (Ms)No.56, dated 19.10.2016, issued by the first respondent and quash the same.



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For Petitioner : Mr.R.Murugan
For R1 : Mr.M.Senthil Ayyanar
Government Advocate
For R2 and R3 : Mr.S.A.Ajmalkhan
Standing Counsel

ORDER

The writ petition has been filed seeking to quash G.O.(Ms)No.56, Backward Classes, Most Backward Classes and Minorities Welfare (S2) Department, dated 19.10.2016, and for consequential and other appropriate reliefs.

2. The case of the petitioner is that he is a Muslim by birth and faith, a resident of Madurai, and a practicing Advocate with 32 years of standing. He was also nominated as a member of the Governing Body of M.S.S. Wakf Board College. According to the petitioner, there had been earlier litigations concerning members who failed to pay subscription, resulting in the removal of certain members. While so, the impugned Government Order dated 19.10.2016 came to be issued, fixing the total membership at 100. The petitioner contends that such



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fixation has been made without any rational basis. According to him, the College is an endowment institution, and the general Muslim public of Madurai are the stakeholders. It is his grievance that they were not taken into confidence while fixing the membership strength, and that permitting more members would facilitate better administration of the College. Hence, the present writ petition.

3. The first respondent has filed a counter affidavit resisting the claim. It is stated that the College came into existence pursuant to the decree in A.S.No.435 of 1964, and its constitution was framed through G.O.(Ms)No.1127, Commercial Taxes and Religious Endowments Department, dated 09.09.1978. The constitution was framed by the Government in view of the fact that the land on which the College stands was donated by the Government.

4. As per the said constitution, the Governing Body consists of the Chairman of the Tamil Nadu State Wakf Board, a nominee of the Wakf Board, a member of the family of the original donor, the Principal of the College, a representative of Madurai University, four members elected from among the Executive Committee, and two nominees of the State Government. The Executive



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Committee consists of 25 members selected from the General Body. The General Body comprises Muslims who donate a sum of Rs.35,000/- as a lump sum, along with an entrance fee of Rs.5,000/- and an annual subscription of Rs.100/-.

5. It is further stated in the counter affidavit that several patrons failed to pay the subscription and some had passed away. In these circumstances, the Government considered the issue and issued the impugned Government Order.

6. The learned Standing Counsel appearing for the Wakf Board submitted that the Government Order was issued based on the request of the Wakf Board, taking into account the lack of quorum among existing members and with a view to improving the administration of the institution.

7. I have considered the rival submissions and perused the material records of the case.

8. On a perusal of the decree dated 06.12.1967 in A.S.No.435 of 1964, it is seen that the same arose out of a compromise between the appellant therein,



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namely, the Madras State Wakf Board, and the respondents therein, namely, Isthiaksha Sahib Satguru and Mustakshah Satguru. Under the terms of the compromise, the Wakf Board recognized certain rights of the individuals over specific properties, subject to performance of certain religious obligations such as Santhanakoodu festivals. In turn, the individuals vested ownership of T.S.No.620 and T.S. No.580/1 in the Wakf Board, with an obligation on the Wakf Board to establish and run a college with the name "Muqyyath Sha Sirguro College".

9. Initially, the College was established in rented premises. Subsequently, the Government of Tamil Nadu donated land, and the building was constructed through public contributions. Thereafter, upon the request of the Wakf Board, the Government issued G.O.(Ms)No.1127 dated 09.09.1978 approving the constitution of M.S.S. Wakf Board College, Madurai.

10. From the above, it is clear that the constitution governing the General Body, Executive Committee, and Governing Body was framed and approved by the Government. Due to the death of certain members and removal of others, the Wakf Board sought reconstitution of the General Body, pursuant to which, the



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impugned Government Order came to be issued. There is nothing erroneous in fixing the membership at 100. The same cannot be termed arbitrary or violative of any legal right.

11. The contention of the petitioner that the College belongs to the Muslim population of Madurai cannot be accepted, as the property stands vested with the Wakf Board, which established the institution pursuant to its obligations under the compromise decree. It is, therefore, for the Wakf Board to administer the institution by framing an appropriate scheme. Once such a scheme is framed and approved by the Government, no exception can be taken, nor can any independent right be claimed by third parties.

12. However, considering the grievance of the petitioner that modification of the constitution, including increase in membership or contribution, may aid in better administration, it is open to the Wakf Board to consider such a request. It is also relevant to note that the College is an aided institution.



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13. In the above circumstances, I do not find any infirmity in the impugned Government Order. However, the petitioner is at liberty to submit a representation to the Wakf Board within a period of two weeks from the date of receipt of a web copy of this order. Upon receipt of such representation, the Wakf Board shall consider the same, after consulting the members of the Governing Body and other stakeholders, if the Wakf Board deems it appropriate to recommend any modification, it may forward its recommendation to the Government. Upon receipt of such recommendation, the Government shall consider the same and pass appropriate orders with regard to the constitution of M.S.S. Wakf Board College, K.K. Nagar, Madurai.

14. Accordingly, the writ petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

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NCC : No
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