



W.A.(MD) No.3243 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2026

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

and

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.A.(MD)No.3243 of 2025

and

C.M.P.(MD)No.20143 of 2025

Liyaqat Ali

... Appellant

-VS-

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

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

3.The Superintendent of Waqf cum Election Officer,
Madurai Region, Town Hall Road,
Madurai.

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4.The Executive Officer,
Melur Taluk and Town Mohaideen,
Andavar Periya Pallivasal Waqf,
Melur Taluk,
Madurai District.

5.S.Raffekraja

6.M.Shajahan

... Respondents

PRAYER: Writ Appeal filed under Clause XV of the Letters Patent Act, praying to set aside the order of this Court dated 24.10.2025 made in W.P.(MD)No.22312 of 2025 and allow this Writ Appeal.

For Appellant : Mr.A.Arunnithy
For Respondents 1 to 4 : Mr.D.S.Haroon Rasheed,
Standing Counsel
For Respondent No.5 : Mr.E.Mareeskumar
For Respondent No.6 : Mr.J.Lawrance

JUDGMENT

[Judgment of the Court was made by DR.G.JAYACHANDRAN, J.]

Intra-court appeal is directed against the order passed by the learned Single Judge in W.P.(MD)No.22312 of 2025 dated 24.10.2025. The appellant herein is the sixth respondent in the Writ Petition. The Writ Petition was filed seeking Mandamus, directing the respondents 1 to 3 to hand over the administration and management of Melur Taluk and Town



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Mohaideen Andavar Periya Pallivasal Wakf, Melur to the newly elected Executive Committee members immediately by considering the representation dated 05.07.2025. The appellant herein as a sixth respondent has represented through Counsel and opposed grant of the relief sought above.

2.The learned Single Judge having considered the objections and the earlier Writ Petitions has observed that the election has been held by the Wakf Board and hence, the elected body cannot be declined the administration of the management. Regarding the objection raised by the sixth respondent regarding the *locus standi* of the petitioner by name Shajahan, the learned Single Judge had taken note of the pendency of the enquiry and has held that pending enquiry will not come in the way of Wakf Board handing over the management and administration of the Wakf to the elected committee.

3.In the Writ Appeal, the sixth respondent, reiterating the allegation against the writ petitioner namely Shajahan, submitted that he being an encroacher of the Wakf property is disqualified from holding the post. Therefore, the election of Shajahan as a member of the administrative committee is *per se* illegal. While the enquiry about his eligibility is pending before the Board, he ought not to have been permitted to contest the election.



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4.Learned Counsel appearing for the Wakf Board submitted that pursuant to the order passed by the learned Single Judge, the Wakf Board has declared the results of the election. The committee appointed for direct administration was dissolved and proceedings issued on 05.01.2026, nominating 12 members for the committee for the period from 28.06.2025 to 27.06.2028, on condition that if any of the members found to be encroacher of the Wakf property, they will be disqualified. The Counsel also submits that the enquiry regarding alleged encroachment has commenced and likely to be completed within a period of two [2] months, if all the parties cooperate. The notice issued for enquiry is annexed in the typed set of papers in the appeal at page nos.54 & 56.

5.Considering these facts, we are of the view that the Writ Appeal has to be disposed of with a direction to the Wakf Board to complete the enquiry regarding alleged encroachment within a period of two [2] months and thereafter, to act upon as per the proceedings dated 05.01.2026, wherein the constitution of the elected board been recognised with caveat that if any member is found to be an encroacher his nomination will be cancelled.



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6.With these observations, this Writ Appeal stands disposed of.
There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[G.J., J.] & [K.K.R.K., J.]
05.01.2026

NCC : Yes / No
Index : Yes / No
Internet: Yes / No
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AND
K.K.RAMAKRISHNAN, J.

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