



WP(MD). No.36443 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 02/01/2026

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THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

WP(MD)No.36443 of 2025

and

WMP(MD)Nos.29011 and 29012 of 2025

M.Faisal Khan Samoji

... Petitioner

Vs.

The Tamil Waqf Board,
Rep. by its Chief Executive Officer,
Jaffer Syrang Street,
Vallalseethakathi Nagar,
Chennai.

... Respondent

PRAYER:- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order made by the Respondent in Se.Mu.No. 8494/22/Aa5/Trichy dated 02.08.2022 and quash the same as illegal in so far as it relates to restricting the tenure of the mutawalliship of the petitioner is concerned and consequently direct the Respondent to recognize the hereditary mutawalliship



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of the petitioner in respect of Sha Farzullah Sha Kaderi Mosque Waqf, Tiruchirappalli, until the lifetime or the removal of the petitioner following the due process of law.

For Petitioner : Mr.M.Mahaboob Athiff
For Respondent : Mr.K.Jeyamohan

ORDER

Challenging the order dated 02.08.2022 passed by the respondent restricting the petitioner's appointment as Mutawalli of Sha Farzullah Sha Kaderi Mosque Waqf, Tiruchirappalli, for a period of three years, this writ petition is filed to quash the said order with a consequential direction to the respondent to recognize the hereditary mutawalliship of the petitioner in respect of Sha Farzullah Sha Kaderi Mosque Waqf, Tiruchirappalli, until his lifetime or his removal by due process of law.

2. Learned counsel for the petitioner would submit that by the impugned order, the petitioner was appointed as Mutawalli of



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the wakf for a period of three years from 27.07.2022 to 26.07.2025.

However, as per the proforma/statutory notification of the petitioner wakf, the Mutawalli of the wakf is to be appointed by hereditary succession, whereas, without taking note of the same, the impugned order has been passed restricting the tenure of Mutawalliship for three years only. He would further submit that this Court in various decisions has held that any order of the respondent Board restricting the tenure of the hereditary Mutawalli would be illegal. Thus, he would pray for setting aside the impugned order insofar as restricting the tenure of Mutawalliship of the petitioner for three years alone.

3. The learned counsel for the respondent Waqf Board would submit that since there was a dispute in arriving at the ultimate decision to recognise the petitioner as hereditary Mutawalli, the tenure of the petitioner's Mutawalliship was limited till 26.07.2025. In the meantime, the petitioner's uncle also made a claim of hereditary Mutawalliship of the waqf. However, in the impugned



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order, nothing has been mentioned about the difficulties in taking the decision of life time hereditary Mutawalli. He would further submit that since there is a rival claim of hereditary Mutawalliship by the petitioner as well as his uncle, even after the expiry of the petitioner's tenure as Mutawalli, he has been permitted to continue as Mutawalli till the final decision is taken by the respondent on the representation of the petitioner's uncle.

4. At this juncture, learned counsel for the petitioner would submit that the above submission of the respondent's counsel may be recorded and the writ petition may be disposed of accordingly.

5. Thus, recording the submissions made by the learned counsel for the petitioner as well as the respondent, the Writ Petition is disposed of with a direction to the respondent to permit the petitioner to continue as Mutawalli of Sha Farzullah Sha Kaderi Mosque Waqf, till a decision is taken by the respondent on the claim of the petitioner's uncle. It is made clear that if



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ultimately the claim of the petitioner's uncle regarding hereditary Mutawalliship of Sha Farzullah Sha Kaderi Mosque Waqf, is rejected by the respondent, then the respondent shall permit the petitioner to continue as Mutawalli of the said waqf till his life time unless his position as Mutawalli is vacated or terminated in accordance with law thereafter. No costs. Consequently, connected miscellaneous petitions are closed.

02.01.2026

Index : Yes / No
Neutral Citation : Yes / No
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KRISHNAN RAMASAMY, J.

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To

The Chief Executive Officer,
Tamil Waqf Board,
Jaffer Syrang Street,
Vallalseethakathi Nagar,
Chennai.

ORDER MADE IN
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DATED : 02.01.2026