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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 29/10/2026

Pronounced on : 12/11/2026

CORAM

THE HON'BLE MR.JUSTICE K. SURENDER

WP No. 40253 of 2026

CNR:{HCMA012282892026}

AND

WMP NO. 45188 OF 2026

Case QR

H.M.Shamsuddin
S/o .Haneef
President, Edgah Charities and Mosque,
Having office at Edgah Mosque Charities,
No. 9 Angappan Street,
Chennai 01

..Petitioner(s)

Vs

1. The Tamil Nadu Wakf Board
   Rep. by its Chief Executive Officer,
   No.1, Jaffar Syrang Street,
   Vallalseethakathi Nagar
   Chennai -01

2. The Chief Executive officer
   Tamil Nadu Wakf Board,
   No.1, Jaffar Syrang Street,
   Vallalseethakathi Nagar
   Chennai -01

3. The Superintendent of Waqf
   Chennai and Poonamalle zones,
   Dr. Besant Road, Ice House,
   Chennai

..Respondent(s)

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to forbear the respondents 1 to 3

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from any manner initiating proceedings for appointing, removing Mutawallis, assuming direct management or amending, or modifying the scheme of the Edgah Charities and Mosque at Angappan street, George town, Chennai which is governed by the scheme framed by this Honble Court in C.S.No. 159 of 1931 dated 13.11.1933 in violation of Section 66 of the Wakf Act.

For Petitioner(s): Mr.Nissar Ahamed
Sr. Advocate
for Mr.I.Kowser Nissar

For Respondent(s): Mr.Avinash Wadhwani

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Order

This writ petition between H.M.Shamsuddin Vs. The Tamil Nadu Wakf Board and 3 others was filed to forbear the respondents 1 to 3 from any manner initiating proceedings for appointing, removing Mutawallis, assuming direct management or amending, or modifying the scheme of the Edgah Charities and Mosque at Angappan street, George town, Chennai which is governed by the scheme framed by this Honble Court in C.S.No. 159 of 1931 dated 13.11.1933, in violation of Section 66 of the Wakf Act.

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2. Brief facts of the case are that, the petitioner claims to be the President of the Managing Committee of the Edgah Charities and Mosque at Angappan Street, George Town, Chennai. The Mosque is a registered and notified Waqf bearing G.S.No.183/Chennai.

3. The petitioner claims that the Wakf is governed by a Scheme framed by this Court in C.S.No.159 of 1931 on 13/11/1933. The administration of the Wakf was entrusted to a Committee of seven persons holding Office for life which was subject to resignation, permanent departure from Madras or removal by the Court in accordance with law. The vacancies have to be filled up by co-option of the remaining members. According to the petitioner, the Scheme is in force and the Committee is now administering the Wakf in accordance with it.

4. The Chief Executive Officer/second respondent issued a show cause notice on 10/1/2023 alleging certain irregularities/charges as reflected in the show cause notice, proposing action under Section 64 of the Waqf Act. The said show cause notice was questioned in W.P.No.2657 of 2023 mainly on the ground that the Chief Executive Officer of the Waqf Board lacked jurisdiction to initiate any kind of removal proceedings. The writ petition was disposed of, on 2/2/2023, leaving it open to give an explanation. Accordingly, an explanation was submitted on 15/2/2024. Thereafter, the Gazette Notification dated 23/2/2024 was published. It stated that the direct Management of the

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Wakf had been ordered with effect from 15/2/2024 and that the Executive Officer, Chennai and Poonamallee zones was appointed as its Executive Officer. It is relevant to extract the Gazette Notification dated 23/2/2024 for easy reference.

Taking Over Edgah Charities and Mosque, Angappa Naicken Street, George Town, Chennai District (G.S.No.183/Chen) under Direct Management of Tamil Nadu Waqf Board (Lr.No.11351/09/B9/CHEN)

No.VI-3(a)/16/2024

In exercise of powers conferred as per the provisions under Section 65 of the Waqf Act, 1995, the Tamil Nadu Waqf Board in its Resolution Item No.311/22 I R.C.No.11351/09/B9/CHEN dated 15/2/2024 has ordered to take over EDGAH CHARITIES AND MOSQUE, ANGAPPA NAICKEN STREET, GEORGE TOWN, CHENNAI DISTRICT (G.S.No.183/CHEN) under the Direct Management of Tamil Nadu Waqf Board from 15/2/2024 and to appoint the Executive Officer, Chennai and Poonamallee Zones Direct Management as its Executive Officer.

R.JAINULAPTHEEN,
District Revenue Officer/Chief Executive Officer,
Tamil Nadu Waqf Board

Chennai 600 001.
23rd February 2024.

5. Although the Notification does not specify the duration, however, the petitioner contends that the said Notification would be in force only for a period of one year. Challenging the said Gazette, the Secretary of the Managing Committee of the Wakf instituted O.A.No.42 of 2024 before the Wakf Tribunal,

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seeking a declaration that the Resolution is null and void. The said O.A is pending adjudication.

6. The writ petitioner now seeks a mandamus forbearing the respondents 1 to 3 from initiating proceedings for appointment or removal of Mutawallis, assumption of direct Management, or amendment or modification of the Scheme that has been framed by this Court, on the ground that it would be in violation of Section 66 of the Wakf Act, 1995.

7. Heard Mr.Nissar Ahamed, learned Senior Counsel for the petitioner and Mr.Avinash Wadhwani, learned counsel for the respondents.

8. The learned counsel appearing for the petitioner contends that the respondents continue to rely on the Resolution and Notification and are interfering with the Committees administration. The petitioner contends that the term pursuant to the Notification is one year i.e., upto 22nd February, 2025 and accordingly seeks to restrain the respondents from interfering with the administration of the Wakf.

9. The learned counsel further submits that the Court framed Scheme has to be followed regarding appointment, removal and the power to modify the Scheme is exercisable only by the State Government in consultation with the

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Board. The Board or its Officers lack authority to alter the Scheme on their own.

10. The learned counsel mainly relies upon the judgment of a Full Bench in ***J.ILAYAS AND ANOTHER Vs. THE GOVERNMENT OF TAMIL NADU AND OTHERS {W.P.(MD) No.24333 of 2025}***. Counsel argued that in view of the Full Bench judgment, the statutory proceeding notified in the gazette have become infructuous and the period also expired. In view of the said circumstances, the learned counsel for the petitioner prays interference of this Court, to grant a mandamus.

11. The learned counsel appearing for the respondents would submit that no error was committed in issuing the Gazette, and the issues now raised before this Court are pending adjudication before the Tribunal.

12. Considered the arguments advanced by both sides and also the documents placed on record.

13. The take over under challenge is the Board Resolution and the published Notification. The Committee Secretary has also questioned the same before the Wakf Tribunal in O.A.No.42 of 2024 which is pending adjudication. The present writ is filed seeking to restrain the respondents from interference

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into the affairs of the Wakf on the ground that it is only for the State Government that can make any kind of changes to the scheme or the functioning.

14. Section 83 (2) of the Wakf Act, enables the Muthavalli, a person interested in a Wakf or any other person aggrieved by an order made under this Act to approach the Tribunal. Section 83 (5) confers the powers of Civil Court on the Tribunal. The Tribunal is now examining the governing Scheme, Board's jurisdiction, Resolution, the Notification and its alleged expiry of the term.

15. Section 65 (2) of the Act empowers the State Government to examine the correctness, legality or propriety of the Notification issued by the Board under sub-Section (1) of Section 65.

16. Section 66 of the Act is a material, whereby the State Government can exercise its powers in consultation with the Board.

17. It is a trite law that while the judicial Scheme remains in force, direct control cannot be assumed unless there is a specific modification by the State Government under Section 66 of the Act. The said aspects can always be

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agitated by the petitioner before the Tribunal where the issues are now pending, vide O.A.No.42 of 2024.

18. **Writ Petition is dismissed** on the ground of the pendency of the O.A before the Tribunal. This Court has not expressed any opinion on the facts or the claims made by the petitioner. The Tribunal is at liberty to consider the issues on its own merits after hearing both the petitioner and the affected parties. No blanket order as claimed by the petitioner can be granted in the present writ petition. No costs. Consequently, connected Miscellaneous Petition is closed.

(K.SURENDER,J)
12/11/2O26

Neutral Citation: Yes/No

mvs.

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K.SURENDER, J

mvs.

Pre-delivery order made in
W.P No. 40253 of 2026

12/11/2026

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