

W.P.(MD)Nos.11000 & 11781 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.04.2026

CORAM :

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD)Nos.11000 & 11781 of 2026

and

W.M.P.(MD)Nos.8577, 8954 & 8955 of 2026

W.P.(MD)No.11000 of 2026:-

K.Abbas Ali

... Petitioner

Vs.

1.Tamil Nadu Wakf Board,
Through its Chairman,
'Wakf House', No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar, Chennai – 600001.

2.The Chief Executive Officer,
Tamil Nadu Wakf Board,
'Wakf House', No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600001.

3.The Superintendent of Waqfs,
Madurai Zone, No.1, Town Hall Road,
Mosque Building, 2nd Floor, Madurai - 625 001.

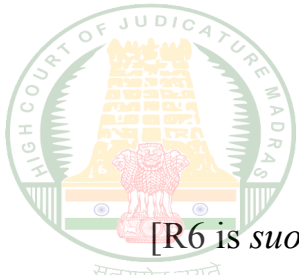
4.The Superintendent of Waqfs,
Dindigul.

5.The Inspector of Waqf,
Theni District.

6.Kattunainar Darga Wakf,
Rep. by its Mutawalli A.Abbas,
Periyakulam, Theni District.

... Respondents

Page No.1 of 12



W.P.(MD)Nos.11000 & 11781 of 2026

[R6 is suo motu impleaded as per order dated 20.04.2026]

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records relating with the order of the second respondent made in Se.Mu.Aanai.14684/02/A8/Theni dated 17.03.2026 appointing the petitioner as a Hereditary Mutawalli to Kattunainar Pallivasal and Durga Inam and quash the same insofar as fixing a period of one year as Hereditary Mutawalli from 03.03.2026 to 02.03.2027 as arbitrary and illegal.

For Petitioner : Mr.R.Suirya Narayanan
For R1 to R5 : Mr.D.S.Haroon Rasheed
Standing Counsel
For R6 : Mr.M.Saravanan

W.P.(MD)No.11781 of 2026:-

Kattunainar Darga Wakf,
Rep. by its Mutawalli A.Abbas,
Keezhia Vadakari,
Periyakulam, Theni District.

... Petitioner

Vs.

1.Tamil Nadu Wakf Board,
Rep. by its Chairman,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600001.

2.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600001.

3.Superintendent of Wakf,
Madurai Zone, Madurai.



W.P.(MD)Nos.11000 & 11781 of 2026

4. Inspector of Wakf,
Theni.

5.K.Abbas Ali

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records relating to the impugned order of the second respondent in Se.Mu.Aanai.14684/02/A8/Theni dated 17.03.2026 and quash the same as illegal, arbitrary and without jurisdiction.

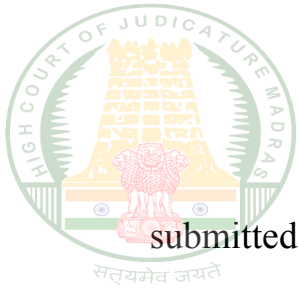
For Petitioner : Mr.M.Saravanan
For R1 to R4 : Mr.D.S.Haroon Rasheed
Standing Counsel
For R5 : Mr.R.Suirya Narayanan

COMMON ORDER

These two writ petitions are connected and are, therefore, taken up together and disposed of by this common order.

2. W.P.(MD)No.11781 of 2026 has been filed by Kattunainar Darga Wakf, represented by its Mutawalli, A.Abbas, challenging the order dated 17.03.2026, by which K.Abbas Ali, the writ petitioner in W.P.(MD)No.11000 of 2026, has been appointed as the Hereditary Mutawalli.

3. The learned counsel for the petitioner in W.P.(MD)No.11781 of 2026



W.P.(MD)Nos.11000 & 11781 of 2026

submitted that there is no question of appointing a Hereditary Mutawalli in respect of the Wakf. Though the original proforma mentioned that the office of Mutawalli is hereditary, such practice was given up long ago. By virtue of a compromise decree dated 22.06.1992 in O.S.No.839 of 1988, rights were conferred on the Jamaathars, and since then, the Wakf has been managed by them. In fact, the Wakf Board itself had earlier appointed a committee after due selection and election by the Jamaat.

4. It is further submitted that the petitioner, A.Abbas, was appointed by order dated 06.10.2010 and continues to administer the Wakf *de-facto* even after expiry of his term. Earlier, K.Abbas Ali had filed W.P.(MD)No.22271 of 2024 seeking appointment as Hereditary Mutawalli. The petitioner, A.Abbas who was the sixth respondent therein, opposed the same. However, by order dated 04.12.2024, this Court directed the Wakf Board to act in accordance with the proforma and set aside the scheme framed for the Wakf. Aggrieved thereby, the petitioner has filed W.A.(MD)SR No.5713 of 2025, and the delay condonation petition in C.M.P.(MD)No.1216 of 2025 is pending. While so, the impugned order has been passed hastily.

5. The learned counsel further submitted that there is no justification for appointing K.Abbas Ali as Hereditary Mutawalli, as even the claim of

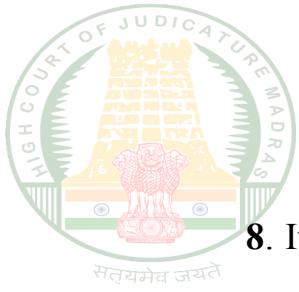


W.P.(MD)Nos.11000 & 11781 of 2026

inheritance from a particular clan has not been established. It is also alleged that the said K.Abbas Ali has taken control of certain properties, inducted tenants, and utilized the same for personal benefit. It is contended that the Jamaathars have contributed substantially by purchasing lands, planting trees, and generating income, and therefore, the Wakf cannot be treated as hereditary in nature. The order passed by the Wakf Board is stated to be a non-speaking one and hence, liable to be set aside.

6. It is further submitted that *status quo* ought to be maintained pending disposal of the writ appeal, as the issue relates to whether the Mutawalli should be appointed on a hereditary basis or selected from among the Jamaathars, that consist of more than 2000 families.

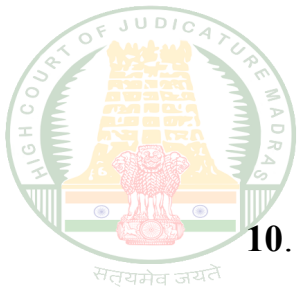
7. Per contra, the learned counsel appearing for K.Abbas Ali (petitioner in W.P.(MD)No.11000 of 2026) submitted that he is the lineal descendant of Gudubi, whose name appears at Serial No.1 in the list of Mutawallis in the proforma. The proforma clearly stipulates that succession is hereditary. Having established his claim, the Wakf Board has rightly appointed him. However, since his tenure has been restricted to one year, he has filed the writ petition seeking appropriate relief.



W.P.(MD)Nos.11000 & 11781 of 2026

8. It is further submitted that the issue between A.Abbas and K.Abbas Ali already stands concluded by the order of this Court in W.P.(MD)No.22271 of 2024, wherein it has been held that Mutawalliship is hereditary and the scheme providing for selection by Jamaathars is unsustainable. As there is no interim order in the writ appeal filed by A.Abbas, the present writ petition deserves to be allowed.

9. The learned Standing Counsel appearing for the Wakf Board submitted that, earlier, considering the role of the Jamaathars and their contributions, a scheme had been framed and the Wakf was administered accordingly. However, in view of the order of this Court dated 04.12.2024 in W.P.(MD)No.22271 of 2024, the Board is bound to appoint Mutawallis strictly in accordance with the proforma. Accordingly, from among the Gudubi family, K.Abbas Ali has been identified and appointed. It is further submitted that the proforma contemplates three clans, and the process of identifying Hereditary Mutawallis from the other clans is underway. A notification dated 17.04.2026 has already been issued in this regard. Pending finalisation of the full body, the tenure of the petitioner has been restricted, and the same will be extended in accordance with law upon completion of the process.



W.P.(MD)Nos.11000 & 11781 of 2026

10. I have considered the rival submissions made on either side and perused the materials on record.

11. The rights of the parties have already been determined by the order in W.P.(MD)No.22271 of 2024. The operative portion of the said order, as contained in paragraph 15, is extracted hereunder:

"15. In fine, the Writ Petition stands allowed and the resolution dated 02.07.2024 in respect of Kattunainar Pallivasal and Durga alone is set aside. The respondents are directed to dispose of the application pending as against the 6th respondent within a period of 12 weeks from the date of receipt of a copy of this order. The first respondent shall comply with the directions issued on the enquiry that had been initiated as against the 6th respondent as indicated above. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed."

12. Therefore, A.Abbas, representing Kattunainar Darga Wakf, cannot contend otherwise, in the absence of any interim order in his favour in the writ appeal filed by him. It is true that an application for condonation of delay is pending. Needless to state, as and when the writ appeal is taken up and any order is passed in his favour, the present order ultimately will be subject to the result of the writ appeal. As on date, the Wakf Board has no option but to comply with the order passed by this Court in the earlier writ petition.



W.P.(MD)Nos.11000 & 11781 of 2026

13. In compliance with the said order, K.Abbas Ali, the petitioner in W.P. (MD)No.11000 of 2026, has been appointed to the office of Mutawalli, being the lineal descendant of one of the families mentioned in the proforma. It may be true that the process of identifying Mutawallis from the other two clans is underway; however, that cannot be a ground for restricting the tenure to one year. The legal position is well settled that once the office is hereditary, it cannot be limited to a temporary period. The proforma also does not contemplate any rotational system or prescribe any fixed tenure.

14. In view thereof, the prayer made by K.Abbas Ali to set aside the impugned order dated 17.03.2026, insofar as it restricts the tenure to one year, has merits.

15. With regard to the contention that K.Abbas Ali is not a lineal descendant or that he suffers from any disqualification, it is open to the petitioner in W.P.(MD)No.11781 of 2026, namely A.Abbas, or any other member of the Wakf, to approach the Wakf Tribunal in the manner known to law, challenging the appointment to the office of Mutawalli. Similarly, with respect to any subsequent allegations of misuse of power, it is open to them to make an appropriate representation, which shall be considered by the Wakf Board in



W.P.(MD)Nos.11000 & 11781 of 2026

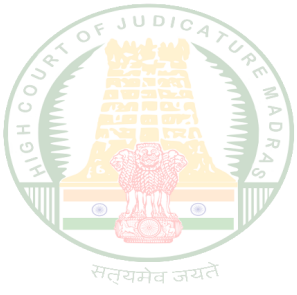
accordance with law. It is made clear that all such proceedings shall be subject to the ultimate decision of the Hon'ble Division Bench in the writ appeal stated to have been filed by A.Abbas.

16. In the result, these writ petitions are disposed of on the following terms:

(i) W.P.(MD)No.11781 of 2026 stands dismissed; however, liberty is granted to the petitioner to pursue the writ appeal filed by him and also to challenge the appointment of K.Abbas Ali before the Wakf Tribunal, in accordance with law, on the question of inheritance or any other disqualification, as such issues involve mixed questions of fact and law.

(ii) W.P.(MD)No.11000 of 2026 stands allowed, and the impugned order dated 17.03.2026 bearing reference Se.Mu.Aanai. 14684/02/A8/Theni is set aside insofar as it restricts the tenure of Mutawalliship of K.Abbas Ali to a period of one year. The tenure of Mutawalliship shall not be subject to any such tenure restriction.

(iii) The allowing of the writ petition shall not preclude the Wakf Board from examining the allegations that K.Abbas Ali has inducted tenants in respect of Wakf properties and is appropriating the rent for personal use.



W.P.(MD)Nos.11000 & 11781 of 2026

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(iv) Upon receipt of any such representation, the Wakf Board shall issue notice to K.Abbas Ali as well as to the complainant and decide the matter on its own merits and in accordance with law.

(v) It is open to the Wakf Board to complete the process of identifying Mutawallis from the remaining two clans and proceed further in the manner known to law.

(vi) No costs. Consequently, the connected Miscellaneous Petitions are closed.

20.04.2026
(2/2)

NCC : No
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To

1.The Chairman,
Tamil Nadu Wakf Board,
'Wakf House', No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600001.

2.The Chief Executive Officer,
Tamil Nadu Wakf Board,
'Wakf House', No.1, Jaffar Syrang Street,
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Chennai – 600001.



W.P.(MD)Nos.11000 & 11781 of 2026

3.The Superintendent of Waqfs,
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4.The Superintendent of Waqfs,
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5.The Inspector of Waqf,
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W.P.(MD)Nos.11000 & 11781 of 2026

D.BHARATHA CHAKRAVARTHY, J.

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Common order in
W.P.(MD)Nos.11000 & 11781 of 2026

20.04.2026
(2/2)