



WEB COPY

CMA No.1144 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2026

CORAM

THE HON'BLE MRS.JUSTICE R. KALAIMATHI

CMA No.1144 of 2026
and CMP No.11270 of 2026

Leo Farooq
W/o. Mohammed Yoonus Sait

..Appellant(s)

Vs.

1. Khurasani Peer Masjid and
Dargah Wakf Committee
Rep. by its President A.Meeran Mohaideen
and Secretary Mr.A.Abdul Jaleel,
Having Office at Old No.54, New No.109,
Dr Muthulakshmi Salai, Adyar,
Chennai-600 020.

2. Tamil Nadu Waqf Board
Rep by its Chief Executive Officer,
No.1, Jaffer Syrang St,
Valla Seethakathi Nagar,
Chennai 1.

..Respondent(s)

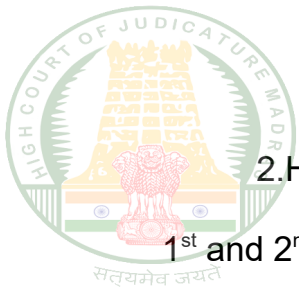
PRAYER: Civil Miscellaneous Appeals filed under Section 83(a) of the Waqf Act, 1995, seeking to set aside the Judgement and Decree dated 06.04.2026 passed by the Tamil Nadu Waqf Tribunal at Chennai in OA No.67 of 2024.

For Appellant(s): Mr.S.R.Raghunathan
for Mrs.A.Ajimath Begum

For Respondent(s): Mr.Y.Kajanavas – R1
Mr.Mohammed Fayaz Ali - R2

JUDGMENT

Admit.



2. Heard learned counsel for the appellants and learned counsel for the 1st and 2nd respondents.

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3. Learned counsel for the appellants would submit that as per Section 54 of the Waqf Act, 1995, it is only the Chief Executive Officer, who is empowered to initiate action in respect of the encroachment on any land, building, space or other property of the Wakf. He would also submit that it is the Chief Executive Officer who has to issue show cause notice specifying date in such notice, as to why an order requiring him to remove the encroachment shall be issued with a copy to be sent to the concerned *muthawalli*.

4. It is his further argument that in this case, it is the *muthawalli*, who has filed the Original Applications under Section 83(1) and 83(2) of the Wakf Act, 1995. To strengthen his argument, he has placed reliance upon the judgment of the Hon'ble Apex Court rendered in ***Habib Alladin and Others V. Mohammed Ahmed*** ((2026) SCC Online SC 119), wherein, the Hon'ble Apex Court has held that in case of eviction of encroachments under Section 83 of the Waqf Act, 1995, power is not conferred upon the lessor and it is only under Section 54 which confers the Tribunal with the power to dislodge encroachers, brought in by the Amendment Act of 2013.

5. Mr. S. R. Raghunathan, learned counsel for the appellants would refer



to the order passed by the Waqf Tribunal at Chennai in O.A.Nos.66 and 67 of 2024 dated 06.04.2026, with regard to the arrears of rent payable by the respondents therein, wherein, it reads that a sum of Rs.1,08,858/- has been calculated for the period from 01.04.2021 to 31.03.2026 and he has tendered two demand drafts each for a sum of Rs.1,08,858/- and the same were received without prejudice to the rights of the 1st respondent.

6.List the matter on 15.06.2026. Status quo as on date shall be maintained till then.

29-04-2026
(1/2)

kas

To.

1. Tamil Nadu Waqf Tribunal
Chennai
2. Mr.A.Meeran Mohaideen - President
Mr.A.Abdul Jaleel - Secretary
Khurasani Peer Masjid and Dargah Wakf Committee
Old No.54, New No.109, Dr Muthulakshmi Salai, Adyar,
Chennai-600 020.
3. The Chief Executive Officer,
Tamil Nadu Waqf Board
No.1, Jaffer Syrang St,
Valla Seethakathi Nagar, Chennai 1.



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R.KALAIMATHI, J.

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