HC-KAR
CNR: KAHC020031462026

NC: 2026:KHC-D:13086
WP No. 101523 of 2026

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IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 19TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 101523 OF 2026 (GM-WAKF)

BETWEEN:

1. BAZME TOHID TANZEEM
COMMITTEE, MUDALAGI,
TQ. GOKAK, DIST. BELAGAVI,
R/BY ITS PRESIDENT,
MALIKJAN S/O. DASTAGIRSAHEB KALLIMANI,
AGE: 43 YEARS, OCC. PRESIDENT,
R/O. BAZME TOHID TANZEEM
COMMITTEE, MUDALAGI-591312,
TQ. GOKAK, DIST. BELAGAVI.

2. BAZME TOHID TANZEEM
COMMITTEE, MUDALAGI,
TQ. GOKAK, DIST. BELAGAVI,
R/BY ITS SECRETARY,
MADARSAB S/O. HASANSAB MUGATKHAN,
AGE: 37 YEARS, OCC. SECRETARY,
R/O. BAZME TOHID TANZEEM
COMMITTEE, MUDALAGI-591312,
TQ. GOKAK, DIST. BELAGAVI.

... PETITIONERS

(BY SRI. SHRIHARSH A. NEELOPANT, ADVOCATE)

AND:

1. THE CHIEF EXECUTIVE OFFICER,
KARNATAKA STATE BOARD OF AUQAF,
DARUL AWKAF, #6, CUNNINGHAM ROAD,
BENGALURU-560052.

2. THE DISTRICT WAQF OFFICER,
DISTRICT WAQF OFFICE,
58/8, 1ST 'A' CROSS ROAD,
NEAR BASAVA CIRCLE,
VITHAL DAMODAR NAGAR,
CHIKODI-591201,
TQ. CHIKODI, DIST. BELAGAVI.

3. SHRI. ANWAR MOHAMMADALI NADAF,
AGE: 50 YEARS, OCC. CLAIMING TO BE
R/O. LAXMI NAGAR, MUDALAGI-591312,
TQ. MUDALAGI, DIST. BELAGAVI.

... RESPONDENTS

(BY SRI. D.L. LADKHAN, ADVOCATE FOR R1 AND R2;
SRI. CHETAN T. LIMBIKAI, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OR ORDER OR DIRECTION IN THE NATURE OF WRIT OF CERTIORARI TO QUASH THE IMPUGNED OFFICIAL MEMORANDUM BEARING NO.KSBA/CMC/26/BGM/2017-18 DATED 12.02.2026 ISSUED BY THE 1ST RESPONDENT BOARD THEREBY APPOINTING ADHOC COMMITTEE HEADED BY 3RD RESPONDENT, AS PER ANNEXURE-A (IN SO FAR AS PETITIONERS CONCERNED) AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CNR: KAHC020031462026

ORAL ORDER

(PER: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM)

The captioned writ petition is filed by the petitioners, claiming to be the President and Secretary of the Wakf institution, assailing the constitution of an ad-hoc committee by respondent No.1-Karnataka State Board of Auqaf.

2. Heard the learned counsel appearing for the petitioners, learned counsel appearing for respondent No.1-Board and learned counsel appearing for the members of the ad-hoc committee. Perused the records and considered the rival submissions.

3. The principal grievance of the petitioners is that, despite specific directions issued by this Court in W.P.No.103173/2022 and W.P.No.103432/2025, respondent No.1-Board has repeatedly proceeded to appoint an Administrator or constitute an ad-hoc

committee, without following the procedure contemplated under Rule 54 of the Karnataka Wakf Rules, 2017.

4. Learned counsel for the petitioners would contend that Rule 54 prescribes a complete mechanism for constitution of the succeeding managing committee. According to him, once the tenure of the existing committee comes to an end and the succeeding committee has not been constituted, the management and supervision of the Wakf institution automatically vest in the concerned District Wakf Officer under sub-rule (5) of Rule 54. It is therefore contended that the Board could not have bypassed the statutory mechanism and constituted an ad-hoc committee for a further period of eleven months.

5. Learned counsel for the petitioners would further contend that the conduct of respondent No.1-Board is contrary to the directions issued by this Court on earlier occasions. He would submit that the petitioners'

committee had submitted proposals for constitution of a new managing committee, but instead of processing the same in accordance with the Rules, the Board proceeded to appoint an Administrator. Such action compelled the petitioners to approach this Court in W.P.No.103173/2022, wherein interim protection was granted and the appointment of the Administrator was stayed.

6. It is further contended that the said writ petition came to be disposed of on 18.03.2024 directing the parties to maintain status quo. Thereafter, according to the petitioners, a fresh representation dated 01.04.2024 was submitted requesting the Board to consider the proposal already submitted for constitution of a new committee. However, instead of undertaking the exercise contemplated under the statutory Rules, the Board once again proceeded to appoint an Administrator.

7. The learned counsel would further submit that the subsequent writ petition in W.P.No.103432/2025 was

allowed by order dated 29.10.2025. In the said proceedings, this Court noticed that the earlier order directing maintenance of *status quo* had not been adhered to and consequently directed the Board to redo the exercise, bearing in mind the observations made by the Coordinate Bench. The order passed in W.P.No.103432/2025 records that the impugned action had been taken during the subsistence of the order of status quo and, consequently, the impugned orders were required to be obliterated and the matter remitted to the Board for fresh consideration in accordance with law.

8. It is in the above backdrop that the petitioners question the subsequent Official Memorandum constituting an eleven-member ad-hoc committee for a period of eleven months. The submission is that the impugned action is nothing but a repetition of the very course of action which had earlier been deprecated by this Court.

9. Learned counsel for the petitioners has also placed reliance upon the judgment of this Court in ***Managing Committee, Masjid-E-Idgah, Mysore and Another v. State of Karnataka and Others***[1]***,*** contending that once a managing committee is constituted, the Board cannot, at its sweet will, displace such committee except in accordance with the statutory provisions. The said decision has been understood as holding that the power of the Board is circumscribed by the provisions of the Wakf Act and cannot be exercised dehors the statutory framework.

10. Per contra, Sri. D.L. Ladkhan, learned counsel appearing for respondent No.1-Board, has raised a preliminary objection to the maintainability of the writ petition. His contention is that the petitioners have an efficacious alternative remedy before the Wakf Tribunal under Section 83 of the Wakf Act, 1995 and, therefore,

[1] 1997 SCC Online kar 147

this Court ought not to entertain the present writ petition under Article 226 of the Constitution of India.

11. To buttress the said contention, learned counsel has placed reliance upon the judgment of the Coordinate Bench in W.P.No.104387/2024, which was affirmed by the Division Bench in W.A.No.100561/2024. The said proceedings concerned a challenge to an order of the Karnataka State Board of Auqaf approving amendment of the jurisdiction in the scheme of administration of a Wakf institution. The Division Bench upheld the view that, in the facts of that case, the appropriate remedy was before the Wakf Tribunal under Section 83 of the Wakf Act.

12. Learned counsel has also placed reliance upon the judgment of the Hon'ble Supreme Court in ***Board of Wakf, West Bengal and Another v. Anis Fatma Begum and Another***[2]***.*** The principle relied upon is that the Wakf Tribunal constituted under Section 83 is intended

[2] (2010) 14 SCC 588

to adjudicate disputes, questions or other matters relating to a Wakf or Wakf property and that ordinarily a party should approach the Tribunal in the first instance instead of invoking the writ jurisdiction of the High Court.

13. Learned counsel appearing for the ad-hoc committee has also adopted the submissions advanced by learned counsel for respondent No.1 and has strenuously contended that the writ petition is not maintainable in view of the statutory remedy available under Section 83 of the Wakf Act.

14. Both learned counsel appearing for the respondents have also addressed the Court on the merits and submitted that Section 32(2)(o) of the Wakf Act confers sufficiently wide power upon the Board to do all such acts as may be necessary for the control, maintenance and administration of auqaf and that the constitution of an ad-hoc committee is an administrative measure falling within the said power.

15. Having heard the learned counsel for the parties and having perused the material on record, the following points arise for consideration:

> (*i) Whether the constitution of an ad-hoc committee for a period of eleven months is amenable to writ jurisdiction?*
>
> *(ii) Whether Section 6 of the Wakf Act, 1995 covers a dispute regarding constitution of an ad-hoc committee by the State Wakf Board and, consequently, whether the petitioners are required to institute proceedings before the Wakf Tribunal under Section 83(1) and (2) of the Wakf Act?*
>
> *(iii) Whether constitution of an ad-hoc committee for a period of eleven months violates the mandate contained in Section 32 of the Wakf Act read with Rules 48 and 54 of the Karnataka Wakf Rules, 2017?*

Finding on Point Nos.(i) and (ii):

16. Before proceeding to consider the rival submissions, it would be apposite to extract Section 6 of the Wakf Act, 1995. The same reads as under:

"6. Disputes regarding [auqaf].— *(1) If any question arises whether a particular property specified as waqf property in the list of auqaf is waqf property or not or whether a waqf specified in such list is a Shia waqf or Sunni waqf, the Board or the mutawalli of the waqf or any person aggrieved may institute a suit in a Tribunal for the decision of the question and the decision of the Tribunal in respect of such matter shall be final:*

Provided that no such suit shall be entertained by the Tribunal after the expiry of one year from the date of the publication of the list of auqaf:

Provided further that no suit shall be instituted before the Tribunal in respect of such properties notified in a second or subsequent survey pursuant to the provisions contained in sub-section (6) of section 4.

Explanation.-xxxxx

(2) Notwithstanding anything contained in sub-section (1), no proceeding under this Act in respect of any waqf shall be stayed by reason only of the pendency of any such suit or of any appeal or other proceeding arising out of such suit.

(3) The Survey Commissioner shall not be made a party to any suit under sub-section (1) and no suit, prosecution or other legal proceeding shall lie against him in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

(4) The list of auqaf shall, unless it is modified in pursuance of a decision of the Tribunal under sub-section (1), be final and conclusive.

(5) On and from the commencement of this Act in a State, no suit or other legal proceeding shall be instituted or commenced in a Court in that State in relation to any question referred to in sub-section (1)."

17. It would also be apposite to extract Section 7 of the Wakf Act, which confers the power of Tribunal to determine disputes regarding wakfs. The same reads as under:

"7. Power of Tribunal to determine disputes regarding auqaf.—*(1) If, after the commencement of this Act, any question or dispute*

arises, whether a particular property specified as waqf property in a list of auqaf is waqf property or not, or whether a waqf specified in such list is a Shia waqf or a Sunni waqf, the Board or the mutawalli of the waqf, or any person aggrieved by the publication of the list of auqaf under section 5 therein, may apply to the Tribunal having jurisdiction in relation to such property, for the decision of the question and the decision of the Tribunal thereon shall be final:

Provided that—

(a) in the case of the list of auqaf relating to any part of the State and published after the commencement of this Act no such application shall be entertained after the expiry of one year from the date of publication of the list of auqaf; and

(b) in the case of the list of auqaf relating to any part of the State and published at any time within a period of one year immediately preceding the commencement of this Act, such an application may be entertained by Tribunal within the period of one year from such commencement:

Provided further that where any such question has been heard and finally decided by a Civil Court in a suit instituted before such commencement, the Tribunal shall not re-open such question.

(2) Except where the Tribunal has no jurisdiction by reason of the provisions of sub-section (5), no proceeding under this section in respect of any waqf shall be stayed by any Court, Tribunal or

other authority by reason only of the pendency of any suit, application or appeal or other proceeding arising out of any such suit, application, appeal or other proceeding.

(3) The Chief Executive Officer shall not be made a party to any application under sub-section (1).

(4) The list of auqaf and where any such list is modified in pursuance of a decision of the Tribunal under sub-section (1), the list as so modified, shall be final.

(5) The Tribunal shall not have jurisdiction to determine any matter which is the subject-matter of any suit or proceeding instituted or commenced in a Civil Court under sub-section (1) of Section 6, before the commencement of this Act or which is the subject-matter of any appeal from the decree passed before such commencement in any such suit or proceeding or of any application for revision or review arising out of such suit, proceeding or appeal, as the case may be.

(6) The Tribunal shall have the powers of assessment of damages by unauthorised occupation of waqf property and to penalise such unauthorised occupants for their illegal occupation of the waqf

property and to recover the damages as arrears of land revenue through the Collector:

Provided that whosoever, being a public servant, fails in his lawful duty to prevent or remove an encroachment, shall on conviction be punishable with fine which may extend to fifteen thousand rupees for each such offence."

18. A conjoint reading of Sections 6, 7 and 83 of the Wakf Act makes it clear that the jurisdiction of the Wakf Tribunal is attracted in respect of those disputes, questions or matters which the Act specifically requires to be determined by the Tribunal. Section 6, in particular, is concerned with a specific class of disputes, namely, whether a particular property specified as Wakf property in the list of auqaf is Wakf property or not and whether a Wakf specified in such list is a Shia Wakf or Sunni Wakf. The present proceedings do not involve determination of either of these questions. The petitioners do not dispute the character of the institution as a Wakf, nor do they seek

adjudication of any question concerning the title to, or character of, any Wakf property.

19. It is equally necessary to notice the scope of Section 83. Sub-section (1) enables the State Government to constitute as many Tribunals as it may think fit for determination of any dispute, question or other matter relating to a Wakf or Wakf property under the Act and required by or under the Act to be determined by a Tribunal. Sub-section (3) further provides that where any dispute, question or other matter relating to a Wakf or Wakf property arises and is required by or under the Act to be determined by a Tribunal, such dispute, question or other matter shall be determined by the Tribunal. Sub-section (5) clothes the Tribunal with the powers of a Civil Court while trying a suit or executing a decree or order, and prescribes the procedure applicable to the proceedings before it. The aforesaid provisions, therefore, cannot be construed to mean that every administrative action of the

Wakf Board, merely because it relates to the management of a Wakf institution, is necessarily immune from scrutiny under Article 226 of the Constitution.

20. The distinction between the jurisdiction of the Wakf Tribunal and the constitutional jurisdiction of the High Court assumes significance in the present case. The petitioners are not seeking adjudication of title, possession, the character of the Wakf property, or any other disputed question requiring a trial. Their challenge is directed against the legality of the very exercise of power by respondent No.1-Board in constituting an ad-hoc committee for eleven months, allegedly in disregard of the mandatory mechanism prescribed under Rule 54 of the Karnataka Wakf Rules, 2017 and, more importantly, contrary to the directions already issued by this Court in the earlier writ proceedings.

21. The respondents have placed considerable reliance upon the judgment of the Hon’ble Supreme Court

in ***Anis Fatima Begum*** (supra). There can be no quarrel with the general proposition that where the Wakf Act provides a specialised statutory forum for determination of a dispute, the litigant ought ordinarily to avail such remedy before invoking the extraordinary jurisdiction of the High Court. However, the said judgment cannot be read as laying down an absolute proposition that the High Court is denuded of jurisdiction under Article 226 in every matter which has a connection with a Wakf or Wakf property.

22. The distinction has subsequently been authoritatively noticed by the Hon'ble Supreme Court in ***State of Andhra Pradesh (now State of Telangana) v. A.P. State Waqf Board***[3]***.*** In the said case, the Hon'ble Supreme Court considered the objection that, having regard to Sections 6, 7, 83 and 85 of the Wakf Act, the parties ought to have been relegated to the Wakf Tribunal.

[3] 2022 INSC 155

While examining the earlier judgment in ***Anis Fatima Begum*** (supra), the Hon'ble Supreme Court specifically distinguished the same and clarified the circumstances in which the availability of a remedy before the Wakf Tribunal would operate as a reason for declining writ jurisdiction. The Hon'ble Supreme Court noticed that ***Anis Fatima Begum*** (supra), did not arise out of a writ petition before the High Court and that the observations therein could not be understood as laying down an absolute bar against exercise of jurisdiction under Article 226 in matters concerning the legality of an action of the Wakf Board.

23. The principle emerging from ***State of Andhra Pradesh v. A.P. State Waqf Board*** (supra) is that the Court must first examine the nature and substance of the challenge and ascertain whether the dispute is one which is required by or under the Wakf Act to be determined by the Tribunal. The mere fact that the subject matter relates to a Wakf or Wakf property is not, by itself, sufficient to

oust the jurisdiction of the High Court. Where the challenge is directed against the legality, validity or competence of the action of the Wakf Board itself, particularly where the grievance is that the Board has acted contrary to the statutory provisions governing the exercise of its power, the existence of an alternative remedy before the Tribunal does not constitute an absolute bar to the exercise of jurisdiction under Article 226.

24. The ratio of ***State of Andhra Pradesh v. A.P. State Waqf Board*** (supra) is particularly apposite to the controversy before this Court. In that case also, the challenge was directed against an action of the Wakf Board itself. The Hon'ble Supreme Court declined to accept the proposition that the parties should invariably be relegated to the Wakf Tribunal merely because the matter concerned a Wakf. The Supreme Court examined the legality of the impugned action of the Board in exercise of

its constitutional and judicial review jurisdiction. The decision thus makes it clear that the principle stated in *Anis Fatima Begum* has to be understood in the context in which it was rendered and cannot be expanded into an absolute exclusion of writ jurisdiction.

25. This distinction is crucial. ***Anis Fatima Begum*** (supra) recognises the desirability of approaching the specialised Tribunal where the dispute falls within the jurisdiction conferred upon it by the Wakf Act. ***State of Andhra Pradesh v. A.P. State Waqf Board*** (supra), however, makes it equally clear that such principle does not operate as an absolute embargo where the grievance is directed against the legality of the action of the Board itself and where the matter does not require adjudication of disputed questions of title or other questions which the statute specifically entrusts to the Tribunal.

26. The present case stands on a still stronger footing. The petitioners are not challenging an approved

scheme of administration so as to invite adjudication under Section 69 read with Section 83 of the Wakf Act. They are not questioning the validity of any entry in the list of auqaf. They are not seeking a declaration concerning the nature or character of any Wakf property. They are questioning the action of the Board in bypassing the statutory procedure for constitution of the succeeding managing committee and in substituting the procedure mandated under Rule 54 by an ad-hoc arrangement for a period of eleven months.

27. The decision relied upon by the respondents in W.P.No.104387/2024, affirmed in W.A.No.100561/2024, is also distinguishable on facts and in law. In those proceedings, the challenge was essentially directed against an order relating to the scheme of administration of the Wakf institution. The question, therefore, fell within the field in which the Wakf Act provides a specific remedy before the Tribunal. The present case is fundamentally

different. Here, there is no challenge to an approved scheme. Rather, the petitioners complain that the Board has failed to follow the statutory mechanism for bringing into existence the succeeding committee and, instead, has created an ad-hoc committee contrary to Rule 54.

28. There is yet another distinguishing feature which cannot be overlooked. The present impugned action has been preceded by repeated judicial proceedings before this Court. In W.P.No.103173/2022, this Court had intervened in relation to the appointment of an Administrator. The said proceedings ultimately came to be disposed of on 18.03.2024 directing the parties to maintain *status quo*. Thereafter, when the Board again proceeded to appoint an Administrator, the petitioners were constrained to approach this Court in W.P.No.103432/2025. The said writ petition was allowed by order dated 29.10.2025 and the appointment of the Administrator was quashed, with a direction to the Board

to redo the exercise bearing in mind the observations made by the Coordinate Bench.

29. The impugned Official Memorandum has thereafter been issued constituting an ad-hoc committee for eleven months. The question before this Court, therefore, is not merely whether the petitioners are aggrieved by the composition of the committee. The question is whether respondent No.1-Board, after having been directed by this Court to redo the exercise in accordance with law, could once again bypass the statutory mechanism contained in Rule 54 and constitute an ad-hoc committee for a substantial period of eleven months.

30. Such a challenge is fundamentally a challenge to the exercise of statutory power. It concerns the competence of the Board to adopt the particular course of action, the manner in which the statutory power has been exercised and the Board’s compliance with the mandatory

Rules framed under the Act. It does not call upon this Court to undertake a trial or adjudicate disputed questions of fact. The issue is capable of determination on the basis of the impugned Official Memorandum, the statutory provisions and the orders already passed by this Court.

31. The respondents' contention, if accepted in its absolute form, would result in an anomalous position. Even where the Wakf Board acts in patent disregard of the statutory Rules or in breach of a binding direction issued by the High Court, the aggrieved person would be compelled to institute proceedings before the Tribunal merely because the order concerns the management of a Wakf institution. Such an interpretation would effectively immunise statutory authorities from judicial review and cannot be accepted as the correct understanding of Sections 83 and 85 of the Wakf Act.

32. The rule requiring exhaustion of an alternative remedy is a rule of discretion and self-restraint. It does

not extinguish the constitutional power of the High Court under Article 226. The existence of an alternative remedy is undoubtedly a relevant consideration, however, where the action complained of is alleged to be without jurisdiction, in violation of a mandatory statutory provision, in breach of principles of natural justice or in disregard of binding judicial directions, the High Court is entitled to exercise its extraordinary jurisdiction.

33. In the present case, the impugned action is alleged to suffer from precisely such infirmity. The petitioners contend, and the impugned Official Memorandum itself discloses, that the ad-hoc committee was constituted as a "special case" upon the recommendation of the Hon'ble Minister for Wakf. The Board has not demonstrated why the statutory consequence under Rule 54(5) was not required to be followed, nor has it demonstrated any statutory provision authorising constitution of an ad-hoc committee for eleven

months in substitution of the mechanism expressly prescribed under the Rules.

34. This Court is, therefore, of the considered view that the ratio of ***State of Andhra Pradesh v. A.P. State Waqf Board*** (supra) squarely answers the preliminary objection raised by the respondents. The judgment in ***Anis Fatima Begum*** (supra) does not constitute an absolute bar to exercise of writ jurisdiction in a case where the challenge is directed against the legality of the action of the Wakf Board itself. The Court is required to examine the nature of the dispute, the statutory source of the impugned action and whether the Act mandates that such dispute be determined by the Tribunal. In the present case, the challenge is to the Board's exercise of power contrary to Rule 54 and contrary to the directions issued by this Court. Such a challenge is amenable to judicial review under Article 226.

35. Accordingly, this Court holds that the petitioners cannot be non-suited merely on the ground that the Wakf Tribunal is constituted under Section 83 of the Wakf Act. The present challenge does not seek adjudication of a dispute which the Act specifically requires to be determined by the Tribunal. The extraordinary jurisdiction of this Court is, therefore, available to test the legality of the impugned Official Memorandum.

36. Accordingly, Point No.(i) is answered in the '***affirmative'*** and point No.(ii) is answered in the '***negative'***, holding that the present writ petition is maintainable in the peculiar facts and circumstances of the case and that the petitioners are not required to be relegated to the Wakf Tribunal.

Finding on Point No.(iii):

37. Before proceeding to examine the legality of the impugned constitution of the ad-hoc committee, it would

be apposite to extract Rule 54 of the Karnataka Wakf Rules, 2017. The same is extracted hereunder:

> *"**54. Appointment of Muthawallies or Managing Committees.-**(1) The Board shall appoint Mutawallies or constitute managing committees under clause (g) of sub-section (2) of Section 32 on receipt of proposals forwarded in accordance with the respective Scheme of Management.*
>
> *(2) Such committees shall initiate process of constitution of succeeding committee as per the approved Scheme of Management three months prior to the expiry of the term of the committee and shall complete the entire process of constitution of succeeding committee within two months prior to expiry of the term of the committee.*
>
> *(3) The District Waqf Officer of the respective district shall supervise the process of appointment/constitution of succeeding committee.*
>
> *(4) If in the event of the existing committee fails to initiate and complete the process for constitution of succeeding committee within the time prescribed under sub-rule (2) of Rule 52 of the District Waqf Officer shall initiate such process within*

two months prior to the expiry of the term of the existing committee and complete the process prior to the expiry of the term of the existing committee.

(5) If for any reasons succeeding committee is not constituted or appointed, the management and supervision of such Waqf Institution shall automatically vest with the concerned District Waqf Officer and the District Waqf Officer or any other Officer authorised by the Board shall carry out duties and functions as delegated by the Karnataka State Board of Auqaf. He shall take action to get the succeeding committee constituted within a period of three months.

(6) Such committees shall cease to have any power or authority for management of such Waqf Institution including operation of bank accounts after expiry of the term."

38. A plain reading of Rule 54 discloses a structured statutory mechanism. Sub-rule (1) contemplates constitution of a managing committee by the Board on receipt of proposals forwarded in accordance with the respective scheme of management. Sub-rules (2) and (3)

prescribe the role of the existing committee and the District Waqf Officer in initiating and supervising the process for constitution of the succeeding committee. Sub-rule (4) steps in where the existing committee fails to initiate or complete the process. Most importantly, sub-rule (5) provides the statutory consequence where, for any reason, the succeeding committee is not constituted or appointed: the management and supervision of the Wakf institution automatically vest in the concerned District Waqf Officer, who is required to take steps to secure constitution of the succeeding committee within three months.

39. The language employed in sub-rule (5) is significant. The Rule does not confer an unfettered discretion upon the Board to devise any alternative arrangement of its choice upon expiry of the tenure of the existing committee. It specifically identifies the authority who is to assume management and supervision in the

interregnum and further casts a duty upon that authority to secure constitution of the succeeding committee.

40. In the present case, the tenure of the earlier committee expired on 12.06.2023. The Board was therefore required to act within the statutory framework. Instead, the record discloses repeated appointment of an Administrator and, subsequently, constitution of an ad-hoc committee for eleven months.

41. The impugned Official Memorandum itself assumes significance. The relevant portion of the Official Memorandum is extracted as under:

> *".....The Board under order No.KSBA/CMC/26/BGM/2017-18 dated: 13.06.2019 has constituted Managing Committee for the management of the said Waqf institution. For a period of three (03) years and the said term of the managing committee expired on 12.06.2023. <u>The Ex-Managing Committee have submitted proposal for the installation of Adhoc committee of 11 (Eleven) Members with</u>*

recommendation of Hon'ble Minister of Waqf to consider as special case.

Accordingly, the above subject was placed before the meeting of the 365th Board meeting with permission of the Chair Subject No.8.

Further, the 365th Board vide its order dated 07.02.2026 with the permission of the Chair Subject No.8 approved the Adhoc Committee for a period of Eleven (11) for managing the above said Waqf institution."

(emphasis supplied)

42. The above recital leaves no manner of doubt that the proposal for constitution of the ad-hoc committee was placed before the Board with the recommendation of the Hon'ble Minister for Wakf and was specifically sought to be considered as a "special case". The Board thereafter approved the ad-hoc committee for a period of eleven months.

43. The question is not whether the Board possesses general supervisory powers over auqaf. Section 32 undoubtedly vests general superintendence of auqaf in the Board and enables it to take measures for their proper maintenance, control and administration. However, the exercise of a general power must necessarily yield to a specific statutory procedure governing a particular field. Where the Rules framed under the Act prescribe the manner in which the succeeding managing committee has to be constituted and specifically provide for the consequence of failure to constitute such committee, the Board cannot bypass that mechanism by resorting to an ad-hoc arrangement.

44. The submission that Section 32(2)(o) confers wide residuary power upon the Board also cannot be accepted in the manner canvassed by the respondents. Clause (o) enables the Board to generally do all such acts as may be necessary for the control, maintenance and

administration of auqaf. The expression "necessary" cannot be construed as conferring an independent and unrestricted power to disregard a specific statutory Rule. A general enabling provision cannot be invoked to defeat an express procedure prescribed by Rules framed under the very enactment.

45. If the contention of the Board were to be accepted, Rule 54(5) would become virtually redundant. Whenever the tenure of a managing committee expires and a succeeding committee is not constituted, the Board could simply invoke Section 32(2)(o), constitute an ad-hoc committee for any period and thereby circumvent the statutory consequence expressly prescribed under Rule 54(5). Such an interpretation would render the specific statutory scheme nugatory and therefore cannot be accepted.

46. The decision in Managing Committee, Masjid-E-Idgah, Mysore reinforces this conclusion. The statutory

authority cannot claim an unrestricted power to alter the management of a Wakf institution merely because it exercises general superintendence over auqaf. Its power must be traced to and exercised in accordance with the Act and the Rules.

47. The subsequent judicial history also assumes importance. In W.P.No.103432/2025, this Court had already noticed that an action had been taken during the subsistence of the order of status quo and consequently directed the Board to redo the exercise in accordance with law. The impugned Official Memorandum, however, proceeds to constitute an ad-hoc committee without demonstrating compliance with the procedure which this Court had directed the Board to undertake.

48. The Court is therefore constrained to hold that the impugned order is not a mere administrative arrangement made to facilitate the day-to-day functioning of the Wakf institution. It has the effect of displacing the

statutory mechanism under Rule 54 and creating an alternative management structure for a substantial period of eleven months.

49. There is also considerable force in the submission that the Board ought to have directed the concerned District Waqf Officer to take charge in terms of Rule 54(5) and thereafter undertake the process of constitution of the succeeding committee. The Rule itself provides the course to be adopted where the succeeding committee is not constituted. There was, therefore, no occasion for the Board to invent a parallel mechanism in the form of an ad-hoc committee.

50. Learned counsel for respondent No.1 has also referred to Rule 48 and submitted that formulation of a scheme has to be undertaken in the prescribed manner and by furnishing Form-42 under the Karnataka Wakf Rules, 2017. There is no quarrel with the said submission. On the contrary, the same reinforces the conclusion that

the Board and the District Waqf Officer are required to undertake the statutory process and secure formulation of a proper scheme rather than indefinitely continue an ad-hoc arrangement.

51. The material on record further demonstrates that the issue has remained unresolved for several years. The existence of an ad-hoc committee cannot be permitted to become a substitute for the statutory scheme contemplated under the Rules. An interim arrangement, if permissible in law, must remain genuinely interim and cannot be employed to defeat the prescribed mechanism for constitution of the regular managing committee.

52. This Court is also conscious that the writ jurisdiction under Article 226 is discretionary. The Court does not ordinarily interfere where an efficacious alternative statutory remedy exists. However, the present case presents exceptional circumstances. The petitioners have demonstrated repeated proceedings before this

Court, repeated directions requiring the Board to undertake the statutory exercise, and a subsequent order passed by the Board constituting an ad-hoc committee for eleven months instead of following the mechanism prescribed under Rule 54.

53. The principle governing exercise of writ jurisdiction is therefore not one of absolute exclusion. The existence of an alternative remedy is a rule of self-restraint and not a bar to jurisdiction. Where the action of a statutory authority is alleged to be without authority of law, contrary to mandatory statutory provisions, or in disregard of binding orders of the Court, the High Court is entitled to exercise its extraordinary jurisdiction to ensure that statutory authorities act within the limits of the power conferred upon them.

54. In the present case, the impugned Official Memorandum cannot be sustained as a lawful exercise of power under Section 32(2)(o). The Board was required to

follow the specific mechanism under Rule 54. The constitution of an ad-hoc committee for eleven months, particularly after the earlier directions issued by this Court, amounts to bypassing that mechanism. Accordingly, Point No.(iii) is answered in the '***affirmative'***.

55. For the reasons recorded hereinabove, this Court is of the considered view that the impugned Official Memorandum dated 12.02.2026 is unsustainable in law and is liable to be quashed. The appropriate course is to restore the statutory mechanism by directing the District Waqf Officer to assume management and supervision and undertake the process of constitution of the succeeding committee in accordance with Rules 48 and 54 of the Karnataka Wakf Rules, 2017.

56. Before parting with the matter, it is necessary to clarify that this Court has not expressed any opinion on the merits of the rival claims of the petitioners or any other interested person to be appointed or elected as

members of the succeeding managing committee. The District Waqf Officer shall undertake the exercise strictly in accordance with the Rules, after giving due opportunity to all persons legitimately interested in the management of the Wakf institution.

57. In the result, this Court proceeds to pass the following:

ORDER

(i) The writ petition is ***allowed***.

(ii) The impugned Official Memorandum dated 12.02.2026 issued by respondent No.1, as per Annexure-A, is hereby quashed and set aside.

(iii) The District Waqf Officer, Chikodi, is hereby directed to forthwith take charge of the management and supervision of the concerned Wakf institution and, in exercise of the power and duty vested in him under sub-rule (5) of Rule 54 of the Karnataka Wakf Rules, 2017, shall

schedule a date for conducting a General Body Meeting by giving wide circulation to all persons interested in the management of the Wakf institution.

(iv) The District Waqf Officer shall ensure that the General Body Meeting is conducted under his supervision and in his presence and that the scheme is formulated strictly in accordance with Form-42 and Rule 48 of the Karnataka Wakf Rules, 2017.

(v) The District Waqf Officer shall thereafter forward the newly formulated scheme to respondent No.1-State Wakf Board for consideration in accordance with law. The entire exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

(vi) Till completion of the aforesaid exercise, the District Waqf Officer, Chikodi, alone shall control and supervise the management of the Wakf institution in accordance with law, without interference by the petitioners, the

members of the erstwhile committee, the ad-hoc committee or any other person.

(vii) The District Waqf Officer shall take all necessary steps to secure custody of the relevant records, documents, registers, accounts and other materials pertaining to the Wakf institution and ensure their proper preservation.

(viii) It is made clear that this Court has not expressed any opinion on the eligibility or entitlement of any individual to constitute or be appointed to the succeeding managing committee. Such exercise shall be undertaken by the competent authority strictly in accordance with the applicable scheme and the Karnataka Wakf Rules, 2017.

(SACHIN SHANKAR MAGADUM)
JUDGE

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LIST NO.: 1 SL NO.: 27