



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 30.10.2024

Delivered on : 10.12.2024.

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.No.442 of 2024

and

C.M.P.No.2113 of 2024

M.Javid Ali
Hereditary Muthawali Hazarth
Syed Mustaffa Sha Aulia Dargha,
Hereditary Sirukadambur Dargha Waqf(a)
Hazarth Khaja Fathesha Mohamed Dargja Waqf,
No.2/26, Huq Street, Meenambur Village & Post,
Gingee Taluk, Villupuram District.

Petitioner

vs.

1. The Collector,
Villupuram District,
District Collector Office,
Villupuram 605 602.
2. The District Revenue Officer
District Collector Office Campus,
Moovendar Nagar,
Villupuram 605 602.
3. The Sub Divisional Executive
Magistrate Cum Sub Collector,
Tindivanam, Villupruam District.
4. The Tahsildar
Tahsildar Office,



Gingee, Villupruam District.

5. The Chief Executive officer,
Tamil Nadu Waqf Board,
No.1 Jaffer Syrang Street,
Vallal Setthakathi Nagar,
Chennai 600 001.

6. The Inspector of Waqfs
Villupuram and Cuddalore District,
No.512 Gandhi Street,
Panruti, Villupuram District.

Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 19th September 2023 passed in I.A.No.49 of 2023 in O.S.No.30 of 2022 by the learned Tamil Nadu Wakf Tribunal at Chennai and restore the suit filed by the petitioner in O.S.No.30 of 2022 on the file of Tamil Nadu Wakf Tribunal at Chennai.

For Petitioner : Mr.V.Raghavachari, Senior Counsel
for Mr.S.Balasubramaniam

For R1 to R4 : Mr.T.Arunkumar, AGP
For R5 & R6 : Mr.Avinash Wadhwani

ORDER

Aggrieved against the order passed by the Tamil Nadu Wakf Tribunal at Chennai in rejecting the suit in O.S.No.30 of 2022 by the fair and decreetal order dated 19th September 2023 passed in I.A.No.49 of 2023, and seeking restoration the same, the plaintiff has come forward with the present civil revision petition.



2. Brief facts of the case:-

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i) The petitioner/plaintiff had filed the suit seeking a declaration that suit A and B schedule properties are the waqf properties and the same absolutely belong to the plaintiff waqf and for grant of permanent injunction restraining the defendants in any manner interfering with the plaintiff's peaceful possession and enjoyment of the suit properties contending as under:-

a) The plaintiff is the Hereditary Muthawali of the Hazarth Syed Mustaffa Sha Aulia Dargha and Sirukadambur Dargha Waqf(a) Hazarth Khaja Fathesha Mohamed Dargja Waqf. The waqf is notified by the Tamil Nadu Waqf Board under Registration nos.200 and 201 of 2000.

b) The object of the waqf being pious, religious and charitable one to feed the poor and needy people, some properties had been dedicated for the upkeep and maintenance of the Dargha. The waqf had leased out some of the lands on land rent to 129 persons in order to augment income to the waqf and to fulfil the waqf objects in which 8 persons had put up residential building and obtain electricity connection for the same and 31 persons had put up basement on the leased out land.

c) The fifth defendant had passed an order dated 21.2.2000



recognizing the plaintiff as Hereditary Muthavalli of the Waqf and issued Proforma.

d) Sirukadambur Dargha Waqf (a) Hazarth Khaja Fathesha Mohamed Dargha Waqf, situate in Survey No.59/1 of Sittampoondi Village, Gingee Taluk, Villupuram District hereinafter referred as Schedule A property is more than 400 years old and Muslim community people are performing day to day worship and rituals and the plaintiff has been conducting Urus function every year in the month of April.

e) In the waqf land, there is a graveyard for burying Muslim community people and there were attempts from land grabbers to grab the waqf land and the same has been thwarted by the plaintiff with the help of the community people as well as waqf officials.

f) Whiles, in the month of November 2016, when some of the local people made attempt to encroach upon the waqf land taking advantage of the fact that the land in Survey No.59/1 had been shown as Government Poramboke. The plaintiff had preferred a complaint with the Inspector of police, Ananthapuram Police Station which was taken on the file as C.S.R. No. 258 of 2016 under section 107 of Cr.P.C.



g) Subsequently, the fourth defendant directed the Village Administrative Officer, Sittampoondi Village, Revenue Inspector and Inspector of Police to prevent the encroachment on the waqf land and thereupon, the revenue officials and police had evicted the encroachers on the waqf land.

h) The said encroachers, after their failed attempt in encroaching on the waqf land, had made a representation before the fourth defendant for assignment of the waqf land in their favour by invoking the provisions of the Revenue Standing Orders and the same was opposed by the plaintiff.

i) After removal of the encroachment by the Inspector of Police, no further action has been taken by the Police and the F.I.R was forwarded to the Deputy Superintendent of Police, Gingee Taluk for initiating action under section 107 of Cr.P.C. The Deputy Superintendent of police, Gingee Taluk, by proceedings dated 10th December 2016, had requested the third defendant to invoke powers under section 107 of Cr.P.C. for keeping peace in the locality and the same is unwanted and depreciable practice.

j) As against the notice issued by the third defendant, the plaintiff had filed W.P.No.1828 of 2017 before the High Court of



Madras and the same was disposed on 27th January 2017 with an observation that the third defendant has only issued a show cause notice and directed the plaintiff to attend the same and in the said order, the High Court of Madras has also observed that the waqf authorities has the right to deal with the waqf properties and thereafter, the plaintiff had appeared before the third defendant and produced all the documents to show the waqf entitlement over Survey No.59/1 Sittampoondi Village, Gingee Taluk.

k) After the observation made by the High Court Madras in the Writ Petition filed by the plaintiff, the plaintiff had sent a representation to the sixth defendant and requested the sixth defendant to take appropriate action since revenue officials are colluding with the local public to usurp the waqf property.

l) On the representation given by the plaintiff to the sixth respondent, the sixth respondent, by its order dated 14th March 2017, had instructed the third defendant not to mutate the Revenue records in respect of the waqf land situate in Survey No.59/1 Sittampoondi Village, Gingee Taluk, Villupuram District, by accepting the representation of the villagers.

m) The sixth defendant has also requested the third defendant to



make appropriate entry in the revenue records indicating that the land comprised in Survey No.59/1 is a waqf property, however, the same has not been done by the revenue Officials. Without doing the same, the revenue authorities tried to interfere with the administration of the plaintiff when the plaintiff tried to fence the waqf property in order to safeguard the same.

n) The plaintiff had made a representation to the defendants 1 to 6 apart from the Deputy Superintendent of Police, Gingee Taluk and the Inspector of Police, Ananthapuram Police Station, by his representation dated 1st October 2018 by bringing out the fact that the revenue officials and police personnel are unnecessarily interfering with the plaintiff's administration of waqf properties, when no action has been taken by defendants 1 to 6 as well as by the Deputy Superintendent of Police, Gingee Taluk and the Inspector of Police, Ananthapuram Police Station and as the threat of encroachment blooms large, the plaintiff filed O.A. before the Tribunal in O.A. No.279/2019 for the relief of permanent injunction restraining defendants 1 to 6 as well as Deputy Superintendent of Police, Gingee Taluk, Inspector of Police, Ananthapuram Police Station and against the encroachers named in the above said O.A. from interfering in the peaceful



possession, enjoyment and administration of the schedule mentioned properties. In the said O.A., the plaintiff had moved an interim application in I.A.No.30 of 2019 for interim injunction and the same was allowed on 08th August 2019 and the O.A is pending on the file of Tribunal.

o) Based on the representation given by the plaintiff to the fourth defendant for issuance of patta in the name of waqf in respect of Schedule A and B lands, by his representation dated 24th July 2015, when no action has been taken by the fourth defendant, the plaintiff approached the High Court of Madras by way of Writ Petition in W.P.No.9691 of 2017 and the same was ordered by the High Court on 21st July 2020, thereby the High Court of Madras had directed the fourth defendant to dispose of the representation given by the plaintiff dated 28th July 2015 within a period of four months from the date of receipt of the order, thereafter the fourth defendant had passed order dated 25th October 2021 in Na.Ka.No.A1/6649/2020 thereby the fourth defendant had turned down the request of the plaintiff to issue patta in favour of the waqf by observing that plaintiff has not showed any document that schedule A and B are the waqf land, the same is not in enjoyment of the fifth defendant and the same has not been



owned by the fifth defendant and there is no declaration by any Civil Court by declaring the Schedule A and B are the waqf lands, because of which, the fourth defendant turned down the request of the plaintiff to issue patta in favour of the plaintiff waqf and the fourth defendant declared that Schedule A and B lands are poramboke lands belonging to the Government.

p) The plaintiff had challenged the order of the fourth defendant dated 25th October 2021 before the High Court of Madras by way of a Writ Petition in W.P.No.25700 of 2021 and obtained interim stay. Since the order of the fourth defendant had caused a shadow of doubt over the Schedule A and B lands and the fourth defendant unnecessarily declared that the Schedule A and B lands are the poramboke lands belonging to the Government in spite of the same being found place in Pro-Forma Report as well as in the Government Gazette Notification, the plaintiff is forced to file the above suit for declaration that Schedule A and B lands are the waqf properties and the same belong to the plaintiff waqf.

q) The Government of Tamil Nadu, through its Revenue Department, had issued a Memorandum No.13822-01/72-14 dated 23rd May 1974 and directed the Revenue Department not to transfer



the lands of Muslim burial ground for any other purpose or to assign in favour of any public and private bodies or individuals occupy or apply for assignment of waqf properties which are classified as Natham, Pallivasal, Mosque, Idgah, Porambokes etc., without the consultation of the Tamil Nadu Waqf Board. Further, in the said order, it has been observed that poramboke land, which has been used for the purpose of burial ground by Muslims or where a Mosque has been constructed is a waqf by user and therefore attains the character of waqf and thus considered as a place of sanctity and the said land cannot be used for the purpose other than those for which they are intended. The said order was also filed before the fourth defendant along with the other documents to show that Schedule mentioned A and B lands are the waqf properties, since on the schedule mentioned properties Thaikka and Mosque are in existence, however, in spite of showing all the documents as well as pro-forma report and other documents, the fourth defendant had showed blind eye to the records produced by the plaintiff and turned down the genuine representation to issue patta in favour of the plaintiff waqf.

r) The plaintiff does not want anyone to take advantage of the order of the fourth defendant and try to claim patta / assignment patta



although the same has been stayed by the High Court of Madras.

Hence the plaintiff filed the above suit.

ii) Respondents 1 to 4 herein being defendants 1 to 4 had filed an interlocutory application in I.A.No.49 of 2023 under Order 7 Rule 11 (a), (b) and (d) of CPC seeking to reject the plaint with the following contentions:-

a) Except clever drafting of the plaint creating illusions of cause of action without any clear right to sue in respect of the Government poramboke lands, the plaint does not disclose any cause of action.

b) With regard to the subject matter of the land measuring an extent of 2.69.0 Hectares situate in Sittampoondi Village, Gingee Taluk, Villupuam District, the claim was negatived by the Tashildar, Gingee Taluk vide his Proceedings dated 25.10.2021. The land comprised in S.F. No.59/1, measuring 2.69.0 Hectares remains as 'Sarkar poramboke land' in Resurvey and Resettlement Register 1919 and subject land has been vested with the State Government. The State Government, with a view to meet the long pending demand of Gingee Taluk villagers, is proposing to establish a Government Arts and Science College in the said land in order to impart free education to the weaker sections of the community at large and to that effect,



the Higher Education Department has already forwarded a proposal to the Directorate of College Education under the aegis of the Government of Tamil Nadu.

c) Taking advantage of the fact that the said land remains as the Government poramboke land, on false premises, the first Respondent/first Plaintiff, styling himself as the Hereditary Muthawalli of the Petitioner Wakf, has made attempts to encroach upon the said land. Everywhere, particularly, in Tamil Nadu, the Government properties are susceptible to vulnerable, massive and organized encroachment and land grabbing continues to be rampant. The Government has to surmount series of legal and technical challenges even for utilization of the lands in furtherance of implementation of its laudable policy.

d) The land in question has not been notified, either in terms of Sections 4,5 and 6 of the Wakf Act, 1954 or Wakf Act, 1995. But, at the instance of the plaintiff, with the connivance of some officials who might have involved, the land in question was illegally inserted without any basis, contrary to Sec.40 of the Wak Act, 1995, assuming the place of the Board,

e) Section 40 of the Wak Act, 1995, empowers the Tamil Nadu



Wakf Board, to decide the question as to whether the property is Wakf property or not. The Board may itself collect information regarding any property which it has reason to believe to be wakf property and if any question arises whether a particular property is wakf property or not or whether a wakf is a Sunni wakf or a Shia wakf it may, after making such inquiry as it may deem fit, decide the question. The decision of the Board on a question under sub-section (1) shall, unless revoked or modified by the Tribunal, be final. Where the Board has any reason to believe that any property of any Trust or Society registered in pursuance of the Indian Trusts Act, 1882 (2 of 1882) or under the Societies Registration Act, 1860 (21 of 1860) or under any other Act, is wakf property, the Board may notwithstanding anything contained in such Act, hold an inquiry in regard to such property and if, after such inquiry, the Board is satisfied that such property is wakf property, call upon the Trust or Society, as the case may be, either to register such property under this Act as wakf property or show cause why such property should not be so registered: Provided that in all such cases, notice of the action proposed to be taken under this sub-section shall be given to the authority by whom the Trust or Society had been registered. The Board shall, after duly considering such cause as may



be shown in pursuance of notice issued under sub-section (3), pass such orders as it may think fit and the order so made by the Board, shall be final, unless it is revoked or modified by a Tribunal.

f) It is impossible to grant assignment to any one under the Revenue Standing Orders. The land, which would be utilized in furtherance of establishment of a College, would be beneficial to the local people assuming paramount importance, rather than the benefit being derived by a person akin to the plaintiff who claims under the carpet of Wakf without any substantial basis. Further, there is no existing right so as to claim the above land.

g) Even though the Writ Petition bearing W.P.No.25700 of 2021 was disposed granting liberty to the plaintiff to prefer an Appeal before the Revenue Divisional Officer against the Orders of the Tashildar, the plaintiff, without any right and contrary to Section 40 of the Wakf Act, 1995, unmindful of the fact that the land in question belongs to the Government, possessing audacity, on frivolous basis, has filed the above suit.

h) The plaintiff with an avowed intention to obviate a proposal from being pushed through for establishment of a Government College in the said land, filed a Writ Petition bearing W.P.No.16221 of 2022



k) The Wakf Tribunal, in its position as a Civil Court, has not only



the power but also is clothed with the duty to strike off the pleadings in the Suit in an appropriate manner under Order VI Rule 16 and to reject the Petition under Order VII Rule 11, if no cause of action remains. The material facts are the primary facts, which must be pleaded by the plaintiff in the Suit. On the other hand, the plaintiff, having approached the Tashildar for getting Patta and on being reprobated by the authority or the Officer, has avoided to proceed further in terms of the Order made in W.P.No.25700/21 to prefer an Appeal before the RDO against the Orders of the Tashildar.

l) The plaintiff, styling himself as the hereditary Muthawalli of the Darga, has no legal right or infringement or violation of right, if any, without edifice of cause of action. A meaningful reading of the plaint filed by the plaintiff reveals manifestly that the plaint is vexatious and meritless in the absence of any right to sue and the same should be nipped in the bud by examining him under Order X of CPC.

m) The plaintiff has also filed W.P. No.16221/2022 praying for a direction to restrain the UCG, a wing of Higher Education from granting any permission to open a new Arts and Science College in the land in question. The plaintiff is attempting to grab the valuable Government land, which is ear-marked for establishing a College, under the guise of



protecting the Wakf property to achieve his personal gains. Further, on proper verification of the Government records, it evidences neither there is any cause of action, nor any right to sue in respect of the Government land. Besides, assignment has not been granted with Patta therefor and the Waqf Board had not acknowledged, on verification of the land in question as the Government land in terms of Section 49 of the Wakf Act, 1995. Hence, there was no survey and no documents as such, in terms of Sections 4, 5 and 6 of the Wakf Act, 1954 or Wakf Act, 1995.

n) Further, no proper valuation was done claiming any relief in terms of Order VII Rule 11(b) of CPC. Great prejudice is caused to the Government in the interest of general public and the vexatious suit remains as an embargo to proceed with the construction of a Government College with an intention to dislodge the further course of action and thereby the plaint is liable to be rejected under Order VII Rule 11(1), (b) and (d) of CPC.

iii) Deny the allegations contained in the petition seeking to reject the plaint, the plaintiff had filed a detailed counter reiterating his stand in the suit.

iv) The Waqf Tribunal, by its order impugned in the present civil



revision petition, has allowed the interlocutory application filed by defendants 1 to 4 and thereby rejected the suit filed by the present petitioner, which has been put to challenge before this court.

3. The submissions of Mr.V.Raghavacari, learned Senior Counsel, who appeared for Mr.S.Balasubramaniam, learned counsel for the petitioner, in brief, are as under:-

i) The plaintiff had filed many documents to prove his case for declaration of title and permanent injunction, however, the Waqf Tribunal had rejected the suit holding that the documents filed by the plaintiff are not sufficient to confer any rights upon the plaintiff.

ii) Though the plaintiff had produced the Proforma issued by the Waqf Board recognizing the plaintiff as Hereditary Muthavalli of the Waqf, communication between the Waqf Board and revenue officials and the orders in the writ petitions filed by him for directions for issuance of patta in his favour in respect of the lands in question, the Waqf Tribunal, without appreciating the same, had erred in rejecting the plaint.

iii) The Waqf Tribunal has failed to properly appreciate the fact that the revenue records reveal the existence of mosque, thaika and burial ground in the land in question for more than 10 decades.



iv) The Waqf Tribunal has also failed to appreciate the fact that the Gazette Notification dated 6.5.1959 produced by the petitioner clearly shows that the petitioner waqf has been notified under Sub Section 2 of Section 5 of Muslim Waqf Act, 1954, which is prior one to Waqf Act, 1995 and erred in holding that the property had not been surveyed and published as required under Sections 4 and 5 of Waqf Act as amended in 2023.

v) The Waqf Tribunal has erred in concluding that there is no disclosure of cause of action in the plaint, when the plaintiff had produced various documents in support of the pleadings showing proper cause of action.

vi) The Waqf Tribunal has also erred in simply holding that the suit is barred by law without any discussion thereof and thereby, the order passed by the Waqf Tribunal liable to be set aside and the suit has to be restored to file.

4. Per contra, Mr.T.Arunkumar, learned Additional Government Pleader submitted his arguments as under:-

i) The suit filed by the plaintiff is manifestly vexatious without disclosing a clear right to sue and without any cause of action.



ii) Application seeking patta for the suit lands had been negatived by the fourth defendant after considering the revenue records. The challenge made thereon by the plaintiff in W.P.No.25700 of 2021 came to be disposed on 1.9.2022, permitting him to file an appeal while granting an interim protection, however, the plaintiff has not bother to file any appeal, instead, he had sought for only bare injunction by filing O.A.No.278 of 2019 before the Waqf Tribunal and obtained an order of interim injunction on 8.8.2019.

iii) The interim order of injunction dated 8.8.2019 granted in favour of the plaintiff by the Waqf Tribunal in I.A.No.30 of 2019 in O.A.No.278 of 2019 was challenged by the defendant by filing C.R.P.No.3839 of 2022 and thereby the said order was also set aside. Further, the SLP filed challenging that order also came to be dismissed and thereby, the plaintiff, without any right over the suit lands, by taking advantage of the fact that the said land remains as Government poramboke land, has initiated the present proceedings to usurp the said land, styling himself as the Hereditary Muthawalli of the Wakf.

iv) The Waqf Tribunal, after considering the materials available on record, has rightly rejected the plaint on the Application filed by defendants 1 to 4 under Order VII Rule 11 CPC, which does not



warrant any interference. Moreover, such order of rejection passed by the Waqf Tribunal, being a deemed decree, is an appealable one and the civil revision petition filed challenging the said order is not at all maintainable and thereby it is liable to be dismissed.

v) In support of his contention, the learned Additional Government Pleader relied on the decision in (i) ***Estralla Rubber vs. Dass Estate (P) Ltd.*** (2001) SCC 97 and (ii) ***Garment Craft vs. Prakash Chand Goel*** (2022) 4 SCC 181.

5. In reply, the learned counsel appearing for the petitioner would submit that so far as the maintainability of a revision petition against the order of rejection of plaint under Order VII Rule 11 CPC is concerned, the order impugned in the present civil revision petition has been passed by the Waqf Tribunal, which is not appealable one as per Section 83(9) of the Wakf Act, 1995 and the revision petition is maintainable in view of the proviso thereunder.

6. Mr.Avinash Wadhwani, learned counsel appearing for respondents 5 and 6-Waqf Board and Inspector of Waqf on the issue had vouched the communication between the revenue authorities and



the Waqf Board in respect of the lands for which, the plaintiff claims declaration of title and injunction.

7. Heard the learned counsel appearing for the parties and perused the materials available on record.

8. The maintainability of the question raised in the matter being one assuming predominance over other issues, this court is inclined to deal with the same first.

9. Since the issue revolves around is in respect of land, which is claimed to be waqf property and the order impugned in the revision petition has been passed by the Waqf Tribunal, legal provision for determining the same is required to be considered. In this regard, Section 83 of the Wakf Act, 1995 comes into play. To have a clear understanding over the issue, the relevant provision is extracted hereunder:-

"83. Constitution of Tribunals, etc. —

.....

(7) The decision of the Tribunal shall be final and binding upon



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the parties to the application and it shall have the force of a decree made by a civil court.

.....

(9) No appeal shall lie against any decision or order whether interim or otherwise, given or made by the Tribunal:

Provided that a High Court may, on its own motion or on the application of the Board or any person aggrieved, call for and examine the records relating to any dispute, question or other matter which has been determined by the Tribunal for the purpose of satisfying itself as to the correctness, legality or propriety of such determination and may confirm, reverse or modify such determination or pass such other order as it may think fit."

10. The above legal provision makes it clear that as against the order passed by the Tribunal, unlike an order passed by a Civil Court, no appeal will lie, however, the High Court is vested with the power to call for and examine the records relating to any dispute, which has been determined by the Tribunal for the purpose of satisfying itself as to the correctness, legality or propriety of such determination and may



confirm, reverse or modify such determination or pass such other order as it may think fit.

11. A conjoint reading of the above provisions viz., Section 83(7), (9) and the proviso thereunder would throw some light on the issue that while the order of the Tribunal shall have the same force as that of a decree passed by a Civil Court, however, it is not an appealable one, but, still, it is left open to the High Court to call for the records and interfere with the finding of the Tribunal if it so warrants. In such circumstances, this court finds that a civil revision petition filed under Article 227 of the Constitution of India is very much maintainable.

12. Coming to the merits of the case, the order passed by the Waqf Tribunal is one on an application filed by the defendant under Order VII Rule 11 CPC, shutting the doors to the plaintiff at the threshold. Only under six grounds, a plaint could be rejected under Order VII Rule 11 CPC, which are as under:-

- i) There is no cause of action in the plaint.
- ii) The suit is undervalued.



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- iii) Complaint is not sufficiently stamped.
- iv) Complaint is barred by law.
- v) Complaint is not filed in duplicate
- vi) Plaintiff does not comply with Order VII Rule 9.

13. In the case on hand, the rejection of complaint is on the ground that the complaint does not disclose any cause of action, it has been undervalued and it is barred by law. A perusal of the entire materials available on record including the order passed by the Tribunal on the application seeking rejection of complaint, makes it clear that the plaintiff, claiming to be the Muthavalli of the Waqf possessing right of administration over the lands in question, concerned with the Waqf, has filed the present suit along with some supporting documents to claim his right over the suit properties and to establish that he had been struggling against encroachment of such properties.

14. In such circumstances, the Waqf Tribunal, on the application filed by the defendants/Revenue seeking to reject the complaint, has chosen to pass an order rejecting the complaint in a hurried manner, after conducting almost a mini trial with the least materials produced before



it and finding that there is no semblance of cause of action and thereby curtailing the rights of the plaintiff to putforth his case, especially, when the plaintiff claims to have filed a Proforma establishing his right and documents to prove the litigations in respect of the suit properties. When it is not the case of the defendants that the plaintiff is totally a stranger or encroacher in respect of the suit properties and there is also no denial of existence of the mosque, the Waqf Tribunal has erred in rejecting the plaint itself by making a hasty perusal of the revenue records, a mish-mash of things and missed its way.

15. Though Waqf Tribunal has rejected the plaint on grounds viz., the relief claimed is undervalued and the suit barred by law, it has not given such a finding based on any discussion. In view of the indispensability pointed out by this court for interference with the order passed by the Waqf Tribunal, this court finds that the decisions relied on the learned Additional Government Pleader appearing for respondents 1 to 4, which deal with regard to the restriction on the High Courts in exercising the powers under Article 227 of the Constitution of India, cannot come to their rescue.



16. For the foregoing discussion, the civil revision petition stands allowed. The order passed by the Tamil Nadu Wakf Tribunal at Chennai dated 19th September 2023 in I.A.No.49 of 2023 in O.S.No.30 of 2022 is set aside and the suit in O.S.No.30 of 2022 is restored to the file of Tamil Nadu Wakf Tribunal at Chennai. No costs. The connected Miscellaneous Petition is closed.

10.12.2024.

Index: Yes/No.
Internet: Yes/No.
ssk.

To

1. Chairman,
Tamil Nadu Wakf Tribunal,
Chennai.
2. The Collector,
Villupuram District,
District Collector Office,
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A.D.JAGADISH CHANDIRA, J.

Ssk.

P.D. ORDER IN
C.R.P.No.442 of 2024

Delivered on
10.12.2024.