

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(NPD)No.4594 of 2011
& M.P.No.1 of 2012

The Tamilnadu Wakf Board
Rep. by its Chief Executive Officer
No.1, Jaffar Syrang Street
Vallal Seethakathi Nagar
Chennai 600 001.

.. Petitioner

Vs.

Afsal Basha

.. Respondent

PRAYER: Civil Revision Petition filed under Section 83 (9) of the Wakf Act, 1995 read with Article 227 of the Constitution of India against the fair and decretal order dated 28.10.2011 made in O.A.No.1/2010 on the file of the Wakf Tribunal cum I Assistant City Civil Court.

For Petitioner : Mr.V.Lakshminarayanan

For Respondent : Mr.N.A.Nissar Ahmed

ORDER

This Civil Revision Petition has been filed against the fair and decretal order dated 28.10.2011 made in O.A.No.1/2010 on the file of the Wakf Tribunal cum I Assistant City Civil Court.

2. The petitioner is respondent and respondent is an applicant in O.A.No.1 of 2010 on the file of the Wakf Tribunal cum I Assistant City Civil Court, Chennai. The respondent filed the said O.A. under Section 83 (1) & (2) of the Wakf Act, 1995 for injunction restraining the petitioner herein from appointing, recognising or permitting any managing committee to function other than the committee elected by secret ballot of jamathars in respect of the Wakf being Dastagir Sahib Mosque and Burial ground at Dr.Natesan Road, Chennai -5 and direct the petitioner to appoint managing committee to the above said Wakf.

3. According to the learned counsel for the respondent, this Court by the order dated 03.07.2008 in W.P.No.23324 of 2007 directed the petitioner to conduct the election and complete the election process within a period of four months from the date of receipt of a copy of that order. The petitioner did not conduct the election but was appointing committee members.

4. The learned Judge considering all the materials on record, allowed the application.

5. Against the said order dated 28.10.2010 in O.A.No.1 of 2010, the present Civil Revision Petition has been filed by the petitioner.

6. When the matter was taken up for hearing, the learned counsel for the petitioner submitted that the election would be conducted and filed a memo stating the steps to be taken for conducting the election and sought for time to complete the election process. In the memo, the petitioner submitted that till the election process is complete, the committee appointed pending CRP may be allowed to continue. The learned counsel appearing for the petitioner sought for six months time to complete the election process.

7. The learned counsel appearing for the respondent has consented for the same. The memo filed by the petitioner and the consent given by the learned counsel for the respondent are recorded. The petitioner is granted six months time to complete the election process and till that time, the committee appointed shall continue to administer the Wakf being Dastagir Sahib Mosque and Burial ground at Dr.Natesan Road, Chennai-5.

V.M.VELUMANI, J.

gsa

8. With the above direction Civil Revision Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is also closed.

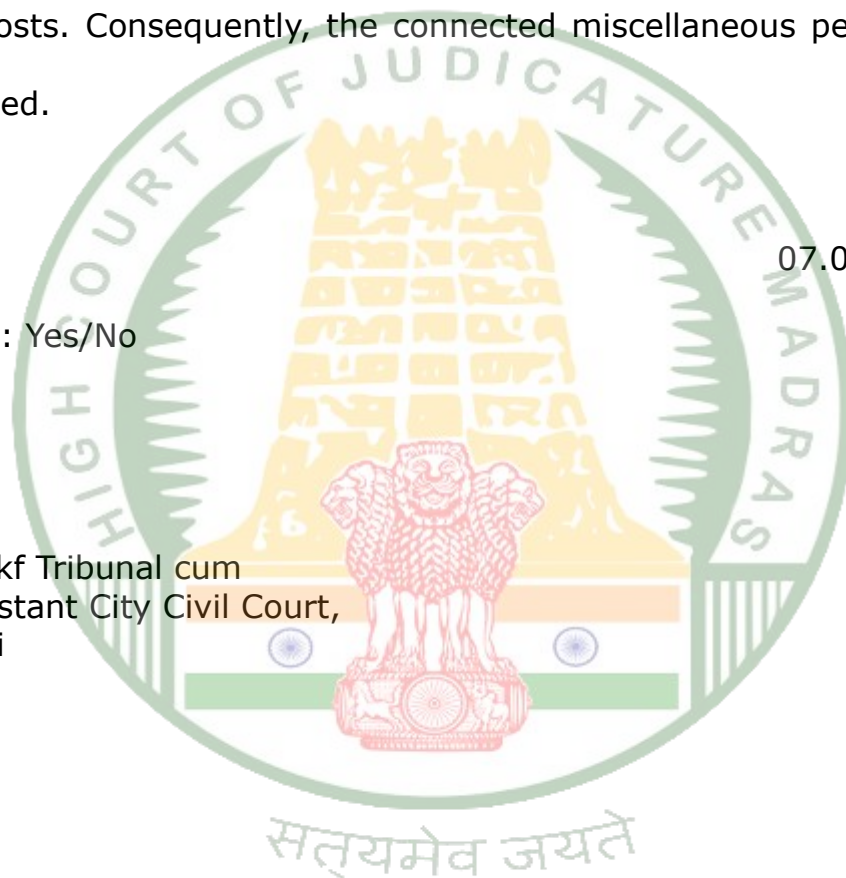
07.07.2017

Index : Yes/No

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To

The Wakf Tribunal cum
I Assistant City Civil Court,
Chennai



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