



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 07.06.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

C.R.P.(PD)(MD)No.441 of 2013

and

M.P.(MD)No.2 of 2013

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Sivakasi Sabhaskhan Gori Pallivasal and
Its subsiding South Pallivasal
rep. by its Secretary,
A.Iqbal

:Petitioner / 3rd Party/ 3rd Party

vs.

1. S.M.Ameer John
2. S.Diwan Basha
3. K.Mariyam Badhusa
4. Dasdagir

:Respondent/Petitioners/
Plaintiff 1 to 4

5. Sivakasi Sabhaskhan Gori Pallivasal and
Its subsiding South Pallivasal rep. by its Secretary,
S.M.Mabujohn

6. B.Mabu Basha

:Respondents / Respondents /
Defedents 1 and 2

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order dated 08.06.2012 made in I.A.No.252 of 2012 in O.S.No.87 of 2012 on the file District Munsif Court, Sivakasi.

For Petitioner : Mr.R.Govindaraj
For Respondents : No appearance

ORDER

This Civil Revision Petition has been filed by the petitioner challenging the order dated 08.06.2012 made in I.A.No.252 of 2012 in O.S.No.87 of 2012 on the file District Munsif Court, Sivakasi.

2.The brief facts that are necessary for the disposal of this civil revision petition are as follows:

The petitioner's Pallivasal is registered under the Society Registration Act. Alleging several irregularities, the election held for the Executive Committee of the Wakf was challenged in O.S.No.91 of 2010 on the file of the Wakf Tribunal (Sub Court) Srivilliputhur, the suit is also for other reliefs. Respondents 1 to 4 herein are the plaintiffs. Several irregularities in the preparation of voters list, collection of the income and the



manner in which the election was conducted have been pointed out by the plaintiffs in the suit. The said suit is also contested by the Wakfs Board by filing a detailed report and the revision petitioner is the fourth defendant in the said suit.

3. During the pendency of the above suit, the revision petitioner has filed O.S.No.134 of 2012 declaring that the election held on 21.10.2011 to the office bearers of the Pallivasal is invalid, not binding and illegal and consequently for granting permanent injunction restraining the defendants from interfering with the plaintiffs' functioning as the elected office bearers of the Pallivasal. When these two suits are filed before the Wakf Tribunal, the respondents 1 to 4 in this civil revision petition as plaintiffs filed yet another suit in O.S.No.87 of 2012 on the file of District Munsif Court, Sivakasi, for permanent injunction restraining the second defendant or his men from interfering with the plaintiffs' right to function as Advisory committee members of the Wakf. An interim injunction was also granted by the Lower Court on 08.06.2012. Aggrieved by the interim order passed by the Civil Court in I.A.No.252 of 2012 in O.S.No.87 of 2012, the above civil revision petition has been filed.

4. The learned counsel appearing for the revision petitioner submitted that the suit itself is not maintainable before the Civil Court in view of Section 85 of the Wakf Act 1995. It is to be noted that as per the Section 83 of the Wakf Act, the State Government has to constitute as many Tribunals as it may think fit for the determination of any dispute, question or other matter relating to a Wakf or Wakf property under this Act. Section 85 reads as follows:-

85.Bar of jurisdiction of Civil Courts:- No suit or other legal proceeding shall lie in any Civil Court in respect of any dispute, question or other matter relating to any wakf, wakf property or other matter which is required by or under this Act to be determined by a Tribunal.

5. In view of the specific provision viz., Section 85 of the Wakf Act, this Court is of the view that the suit itself is not maintainable before the Civil Court. Having regard to the nature of the dispute and the relief prayed for in the suit, the Civil Court is not competent to try the Civil suit. The Lower Court has granted interim injunction without affording opportunity to the revision petitioner to contest his claim. Since the suit itself is barred, the interim injunction granted by Lower Court is without jurisdiction.

<https://hcservices.ecourts.gov.in/hcservices/>

6. In the result, the Civil Revision Petition is allowed. The



order passed in I.A.No.252 of 2012 in O.S.No.87 of 2012 on the file of District Munsif Court, Sivakasi is set aside. There shall be no order as to cost.

Sd/-
Assistant Registrar (AS)

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/True Copy/

Sub Assistant Registrar

To
The District Munsif,
Sivakasi.

Copy to :
The Section Officer,
VR Section, (2 Copies)
Madurai Bench of Madras High Court, Madurai.

cp
MK/VR/SAR 2/05.07.2018/3P/4C

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