

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2019

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

C.R.P.No.650 of 2019andC.M.P.Nos.4330, 4326, 4332 of 2019

Pudur Periya Pallivasal,
represented by its Secretary,
Mr.A.Abdullah,
Pudur, Ilayangudi,
Sivagangai District - 630 709.

..... Petitioner

Vs

1.Tamil Nadu Waqf Board,
Rep.by its Chairman,
Having Office at
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Behind Custom Office,
Chennai - 1.

2.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Behind Custom Office,
Chennai - 1.

3.The Superintendent of Waqf,
Office of the Superintendent of Waqf,
Madurai & Ramanad District, (i/c),

No.159/3, Therpasayanam Road,
Vellipattinam,
Ramanathapuram.

4.Mr.Y.Mohammed

5.Mr.Khader Gani

(amended as per I.A.No.38 of 2010,
order dated 31.01.2019)

.... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 13.02.2019 passed in I.A.No.203 of 2018 in O.A.No.162 of 2018 by the Waqf Tribunal, Chennai and allow the Civil Revision petition.

For Petitioner : Mrs.Nalini Chidambaram,
Senior Counsel for
Ms.C.Uma

For Respondents : Mr.L.S.M.Hasar Fazel for R1 to R3.
Mr.N.A.Nissar Ahamed for R4
Mr.Gavaskee for R5.

ORDER

This Civil Revision Petition has been filed challenging the order of the Waqf Tribunal passed in I.A.No.203 of 2018 in O.A.No.162 of 2018 which is filed by the revision petitioner for restraining the 1st respondent from conducting election to the Management Committee of the applicant - Pallivasal during the pendency of the Original Application.

2.They have placed reliance on the scheme decree dated 28.03.1947 in O.S.No.31 of 1945 with specific reference to clause VII to state that it is only an advocate commissioner who can conduct the election of the Pallivasal. It is to be borne in mind that when the decree was formed, the Waqf Act had not been enacted. Today the Waqf Act is in place and a Waqf Tribunal has been established under the Act. This statutory body is responsible for the management of the various Waqfs in the country.

3.By consent, the parties have agreed that the Waqf Board shall conduct the election and it is also reported that the Board has not taken direct management of the petitioner Pallivasal and therefore, there shall be an order of Status Quo till the elections are concluded.

4.Hence, this Civil Revision Petition is disposed of in the above lines. Consequently, connected miscellaneous petitions are closed.

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22.02.2019

Index: Yes/No

Internet: Yes/No

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To

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