

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P(PD).No.736 of 2019

&

C.M.P.No.4770 of 2019

J.Sheik Nazir

...Petitioner

Vs

1.The Chief Executive Officer
The Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

2.Mr.A.Liyquath Ali

3.Mr.N.Kannan

सत्यमेव जयते

... Respondents

Prayer: Civil Revision Petition is filed under Section 83 (9) of the Wakf Act against the Judgement and Decree dated 15.02.2019 passed in I.A.No.47 of 2019 in O.S.No.279 of 2019 by the Honourable Wakf Tribunal, Chennai.

For Petitioner

:

Mr.T.Velumani

For Respondents 1 & 2 : Mr.V.Lakshminarayanan

For Respondent 3 : M/s.I.Kowsar Nissar

ORDER

The above Civil Revision Petition is filed challenging the order passed by the Wakf tribunal in I.A.No.47 of 2019 in O.S.No.279 of 2019, which is the application filed by the petitioner for an injunction restraining the 3rd respondent in any way using the Wakf property.

2.The said application was ordered on the ground that the 3rd respondent has been granted license to store building materials for a short time. When the matter had come up for an admission this Court had questioned the counsel for the Wakf Board as to how the parties can be given access to the property belonging to the Wakf, to which he had answered that it was only a temporary license enabling the 3rd respondent to store building material to put up construction of his shop which is on the

western side of the Wakf land.

3.This Court had directed the 3rd respondent to file an affidavit of undertaking stating the extent of land which has been taken on license and the date he would vacate and handover the vacant possession to the 2nd respondent. An affidavit dated 26.02.2019 has been filed by the 3rd respondent stating that he is only in occupation of 1,000/- Sq.ft. of land pursuant to a permission granted by the 2nd respondent dated 29.10.2018 to store construction material and for that place he has been paying a sum of Rs.1,000/- per month.

4.He has also undertaken to vacate the premises on or before 25.06.2019. The Civil Revision Petition is disposed of recording the affidavit of undertaking which has been filed by the 3rd respondent dated 26.02.2019. It is needless to state that in the event of the 3rd respondent continuing to use the suit property, the 1st respondent Board shall take steps to ensure that

the 3rd respondent would vacate from the suit premises.

5.The Civil Revision Petition is disposed of on the above lines. There shall be no order as to costs. Consequently, connected Civil Miscellaneous Petition is also closed.

Post the matter on 28.06.2019 for "Reporting Compliance".

21.03.2019

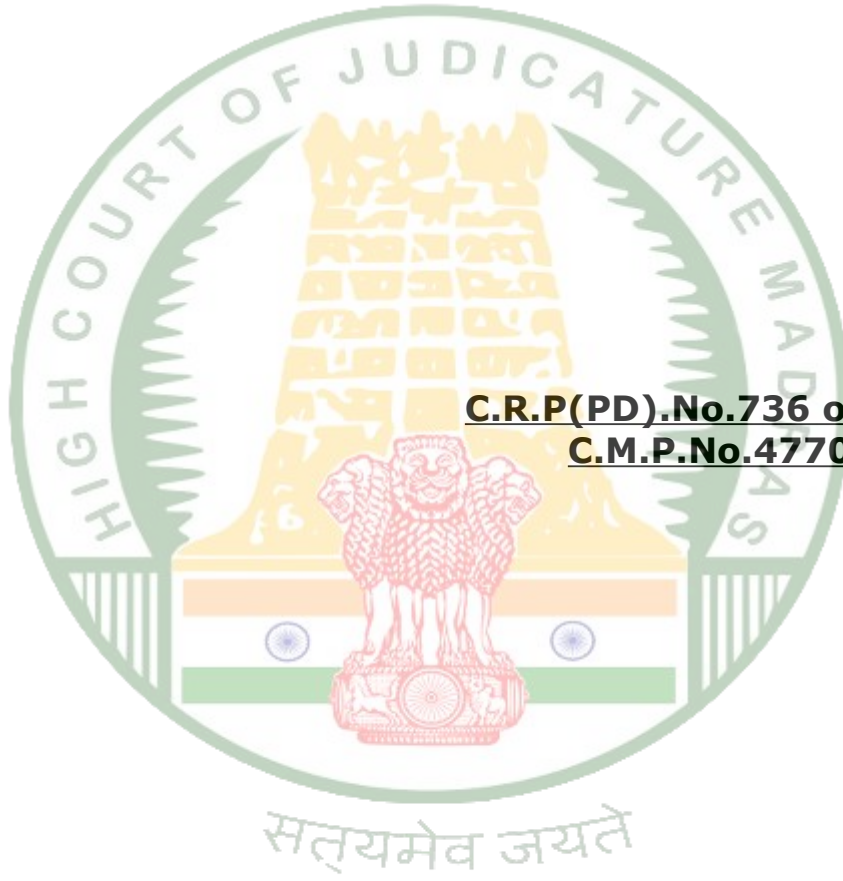
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Index : Yes/No
Speaking order/non-speaking order

To,
The Honourable Wakf Tribunal,
Chennai.

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P.T.ASHA, J.,

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