

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 04.09.2019****CORAM****THE HONOURABLE MS.JUSTICE P.T.ASHA****C.R.P. (PD) (MD)No.1994 of 2009**

Magdoo Gnanianar Pallivasal
Rep through its Secretary,
Mr.S.M.Aduham Batcha,
S/o.N.K.Shek Mohameed,
S.G.P.Sannathi Street,
Pettai, Tirunelveli-4.

... Petitioner/Plaintiff

Vs.

Tirunelveli Municipal Corporation,
Rep through its Commissioner,
S.N.High Road, Tirunelveli-1.

... Respondents/Defendant

PRAYER:- Civil Revision Petition filed under Section 83(9) of Wakf Act, 1995 r/w Article 227 of the Constitution of India, against the judgment and decree passed in O.S.No.67 of 2007 dated 07.08.2009 on the file of the Wakf Tribunal (Principal Sub-Court), Tirunelveli.

For Petitioner : Mr.H.Arumugam

For Respondent : Mr.Aayiram K.Selvakumar

ORDER

The plaintiff is the revision petitioner before this Court. The revision petition is directed against the order directing return of the plaint to the revision petitioner / plaintiff, to present the same before the Taxation Tribunal of the Corporation of Tirunelveli.

2.The learned counsel appearing for the petitioner submitted that till date, the Taxation Tribunal has not been constituted and the learned counsel appearing for the Corporation has also concurred with the said submission. The learned counsel for the petitioner would submit that the order may be modified to the effect that the plaint shall be presented before the Jurisdictional Court.

3.Considering the submission, this Court is inclined to modify the judgment and decree of the Wakf Tribunal (Principal Sub Court), Tirunelveli, as follows:-

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

The plaintiff is permitted to represent the plaint, which has been returned, to the Jurisdictional Court. The



Jurisdictional Court shall take into account the fact that the matter has been pending in revision till date and shall take the plaint on file and proceed further with the matter. The plaintiff is granted one month time to present the plaint before the Jurisdictional Court.

4. With the above direction, this Civil Revision Petition is disposed of. No costs.

Sd/-
Assistant Registrar (AD-II)

/TRUE COPY/

Sub Assistant Registrar

To

1 The Wakf Tribunal (Principal Sub-Court),
Tirunelveli.

2 The Commissioner,
Tirunelveli Municipal Corporation,
S.N.High Road, Tirunelveli-1.

+1 CC to M/s.H. ARUMUGAM, Advocate (SR-85232[F] dated 05/09/2019)

C.R.P. (PD) (MD) No.1994 of 2009
04.09.2019

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JM/18.09.2019/2P/4C