



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2019

CORAM :

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

C.R.P. (MD) (PD)Nos.852 and 853 of 2011
and
M.P. (MD)No.1 of 2011

C.R.P. (MD)No.852 of 2011:-

The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai-01.

:Petitioner

vs.

1.Ahmaed Baig
2.Saleem Baig

:Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and final order, dated 08.12.2010 made in I.A.No.458 of 2010 in O.S.No.25 of 2007 on the file of the Principal District Munsif Court, Dindigul.

For Petitioner	: No Appearance
For R1 and R2	: Mr.V.R.Venkatesan

C.R.P. (MD)No.853 of 2011:-

The Executive Officer-cum
Wakf Superintendent,
Begumpur Pallivasal,
Dindigul Town & District.

:Petitioner

vs.

1.Ahmaed Baig
2.Saleem Baig

3.State of Tamil Nadu
represented by its District Collector,
Dindigul.



4. The District Revenue Officer,
Dindigul.
5. The Revenue Divisional Officer,
Dindigul.
6. The Bharath Petroleum Corporation,
represented by its Zonal Officer,
Madurai District.
7. Wakf Board,
represented by its Secretary,
Chennai.
8. The Superintendent,
South Zone, Tamil Nadu Wakf Board,
No.1, Mosque Building, Town Hall Road,
Madurai Town.

:Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and final order, dated 08.12.2010 made in I.A.No.459 of 2010 in O.S.No.25 of 2007 on the file of the Principal District Munsif Court, Dindigul.

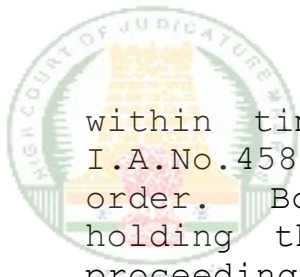
For Petitioner	: No Appearance
For R1 and R2	: Mr.V.R.Venkatesan
For R6	: Mr.S.Natesh Raja
For R3 to R5, R7 and R8	: No Appearance

COMMON ORDER

These Civil Revision Petitions are directed against the order passed in I.A.Nos.459 and 458 of 2010 in O.S.No.25 of 2007 passed by the learned Principal District Munsif, Dindigul.

2.The suit in O.S.No.25 of 2007 has been filed by the respondents in C.R.P.(MD)No.852 of 2011 for permanent injunction restraining the fourth defendant or their men from running a petrol bulk and restraining the defendants 1 to 3 from issuing No Objection Certificate or approval for running a petrol bunk in the suit property and for consequential injunction restraining the fourth defendant from carrying petrol bunk business. The suit was contested by the defendants, particularly, the 5th defendant.

3.During the pendency of the suit, the Executive Officer/Superintendent of the Wakf filed an application in I.A.No.459 of 2010 to implead him as 7th defendant in the suit. Since his statement was not filed by the fifth defendant



within time, the fifth defendant was set *ex parte*. Hence, I.A.No.458 of 2010 came to be filed to set aside the *ex parte* order. Both the petitions were dismissed by the lower Court by holding that these petitions are filed only to drag on the proceedings and that the proposed 7th defendant is not a necessary or proper party to the proceedings. Aggrieved by the same, the above Civil Revision Petitions have been filed.

4.This Court is unable to subscribe to the view taken by the lower Court for several reasons. First of all, the suit itself is filed only by the respondents 1 and 2 claiming that they are persons entitled to manage the affairs of the Wakf. It is admitted that the suit property is a Wakf property. It is further admitted that there is a dispute with regard to the management and administration of the Wakf. When there is a dispute with regard to the management and administration of the Wakf, the Wakf Board is a necessary and proper party and that the written statement filed by the fifth defendant is also important, having regard to the nature of dispute.

5.In such circumstances, the order of lower Court is erroneous and unsustainable. When there is a dispute with regard to the management and administration of Wakf, the Executive Officer of the Wakf Board is entitled to come on record. In such circumstances, these Civil Revision Petitions are allowed and the order passed in I.A.No.459 and 458 of 2010 in O.S.No.25 of 2007 by the Principal District Munsif Court, Dindigul, are set aside and the petitions in I.A.No.459 and 458 of 2010 in O.S.No.25 of 2007 stand allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Principal District Munsif, Dindigul.

2.The District Collector,
Dindigul.

3. The District Revenue Officer,
Dindigul.



4. The Revenue Divisional Officer,
Dindigul.
5. The Zonal Officer,
Bharath Petroleum Corporation,
Madurai District.
7. The Secretary, Wakf Board,
Chennai.
8. The Superintendent,
South Zone, Tamil Nadu Wakf Board,
No.1, Mosque Building, Town Hall Road,
Madurai Town.

C.R.P. (MD) (PD) Nos.852 and 853 of 2011

07.08.2019

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