

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P(PD)No. 2312 of 2018

and

C.M.P.No. 14404 of 2018

1.A.Abdul Rahman
2.M.Raghu
3.A.Saravanan

...Petitioners

Vs.

1.Jumma Pallivasal Thirumazhisai
Represented by its President,
Janab A Azhar,
Thirumazhisai, Chennai – 600 124.

2.Janab K.S.Mohammed Sarfudeen

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

..Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order dated 23.10.2017 passed in I.A.No. 296 of 2016 in O.S.No. 154 of 2015 by the Sub-Ordinate Judge, Tiruvallur.

For Petitioners : Mr.M.Manivannan

For Respondents : No Appearance

ORDER

The petitioners, aggrieved by the dismissal of their application for impleading themselves in O.S.No.154 of 2015 on the file of the Waqf Tribunal at Thiruvallur have come up with this revision.

2. The suit in O.S.No.154 of 2015 was filed by the first respondent against the respondents 2 and 3 seeking a permanent injunction restraining them from interfering with his management and administration as well as reconstruction of Jumma Pallivasal, Thirumazhisai and its properties comprised in Survey No. 215/15. The petitioners claiming that they are tenants of the suit properties belonging to the Pallivasal sought to implead themselves in the said proceedings on the ground that both the plaintiff and the first defendant are claiming rents from them. The said application was dismissed by the Trial Court on the conclusion that the

petitioners are neither necessary nor appropriate parties to the suit for injunction between the respondents 1 and 2. Aggrieved, the petitioners have come up on revision.

3. I have heard Mr. N.Manivannan, learned counsel for the petitioners.

4. The learned counsel for the petitioners would contend that the petitioners are proper parties to the proceedings in O.S.No.154 of 2015 in as much as they are in possession of the properties of the Waqf. They would be in position of deposit the rents into the Waqf Tribunal, if they are made parties. I am unable to countenance the learned counsel for the petitioner. The suit is one for injunction laid by the first respondent restraining the 2nd and 3rd respondents from interfering with his management and administration of the Wakf as well as for reconstruction of Jumma Pallivasal, Thirumazhisai, the petitioners who are the tenants can at no stretch of imagination be said to be either proper or necessary parties to the suit. If the petitioners are facing threat of eviction at the hands of the

respondents, it is open to them to take appropriate proceedings as they wish.

I do not see any illegality or irregularity in the order of the Trial Court in dismissing the application for impleading in the suit on hand.

5. Hence, this civil revision petition fails and it is accordingly dismissed. It is made clear that the dismissal of this civil revision petition will not affect the rights of the petitioners to launch appropriate proceedings to protect their rights as tenants. Consequently, connected miscellaneous petition is closed. No costs.

29.10.2020

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To:

The Sub-Ordinate Judge,

Tiruvallur.

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R.SUBRAMANIAN, J.

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