

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.3.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

C.R.P.Nos.1195 to 1197 of 2020 and
C.M.P.No.6459, 6464 and 6460 of 2020

S.B.Shaik Azeezuddin
Party

...Petitioner/3rd

Vs.

1. S.Ferroz Khan

2. The Special Officer (S.O.),

3. The Chief Executive Officer (C.E.O.),
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai-1

...Respondents 1 to 3 in
CRP. 1195 & 1196/2020

R4. The Superintendent of Wakf
Chennai District cum Election officer
TNWB, Triplican, Chennai 5.

..Respondents 1 to 4 in
W.P. 1197/2020

Prayer:- Civil Revision Petitions are filed under Article 227 of the Constitution of India against the fair and decreetal order dated 06.03.2020 passed in C.M.P.No.7 of 2020 in C.M.P.No.3 of 2020 in A.A.No.1 of 2020, C.M.P.No.6 of 2020 in C.M.P.No.4 of 2020 in A.A.No.01 of 2020, and C.M.P.No.8 of 2020 in A.A.No.1 of 2020 on the file of Tamil Nadu Waqf Tribunal, Chennai.

For Petitioner
in all CRPs.

: Mr.Nizzar Ahmed

For Respondent No.1
in all CRPs.

: Mr.L.Gavaskar

For Respondent No.3

: Mr.Hajamohideen Gisti

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ORDER

The revision petitioner/3rd party has filed an application in C.M.P.No.7, 6 and 8 of 2020 before the wakf Tribunal under Order 1 Rule 10 and Sec.151 of C.P.C. to implead him as party/4th respondent in A.A.No.1 of 2020.

2. The learned counsel appearing for the revision petitioner would submit that both revision petitioner as well as the first respondent were given a personal hearing and passed order by the Tribunal. The subject matter of the said order is appeal before the Wakf Tribunal in A.A.No.1 of 2020. In the aforesaid appeal, the first respondent has not impleaded the revision petitioner as party. Thus, the present application has been filed to implead him as party in the aforesaid proceedings.

3. According to the revision petitioner, he is instrumental for obtaining necessary direction of this Court to conduct election to the Waqf comprising of 31 streets. Therefore, the revision petitioner has taken efforts and at the instance of the revision petitioner, orders have been passed by the Waqf Tribunal to conduct election for the said areas. Therefore, without considering the said aspects in proper perspective, erroneously dismissed the application and the same is liable to be set aside.

4. At the time of admission, the learned counsel appearing for the first respondent/Caveator would submit that the first respondent has filed A.A.No.01 of 2020 and the same was posted for arguments. The first respondent has no objection for allowing the revision petitioner to implead him as party in the proceedings in A.A.No.1 of 2020 before the Wakf Tribunal.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the first respondent and perused the materials available on record.

6. The grievance of the first respondent is that as per the notification of the second respondent election to be conducted within 60 days. To that extent, election shall not be conducted till disposal of the application in C.M.P.No.3 and 4 of 2020 filed by the first respondent to grant interim injunction restraining the respondent from proceeding any election process including fixing of boundaries to conduct election to the office bearers of Dasthagir Jamia Mosque and to grant stay of the operation of the order passed by the second respondent pending disposal of the appeal.

7. In view of the aforesaid circumstances, the learned counsel appearing for the second respondent Wakf Board would submit that the Special Officer has already taken charge of the Wakf Board and seeks time to dispose of the aforesaid application pending before the tribunal.

8. Recording the statement made by the parties concerned and in the light of the decision of this Court in DEVAKI THIYAGARAJAN VS. AHAMED AND 8 OTHERS [2015 (4) CTC 293] the petitioner is being a necessary party to the appeal filed by the first respondent. The first respondent also made an endorsement that no objection for allowing the revision petitioner to implead him as party in the aforesaid appeal proceedings. Therefore, the Tribunal is directed to implead the revision petitioner as party in the appeal proceedings and amend the cause title in the appeal. The tribunal is also directed to dispose of the applications filed by the first respondent in C.M.P.No.3 of 2020 for grant of interim injunction and C.M.P.No.4 of 2020 for grant of stay of the order passed by the Special Officer on merit and in accordance with law as expeditiously as possible not later than 30.4.2020 after providing opportunity to the parties concerned. Till such time, the second respondent shall not proceed with the election process.

9. Accordingly, the Civil Revision Petitions are allowed with the above directions. No costs.

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

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To

The Tamil Nadu Waqf Tribunal, Chennai.

+1 CC to M/s.S. Haja Mohideen Gisti, Advocate sr 24288
+3 Ccs to Mr.N.A.Nissar Ahmed, Advocate sr 24344.

C.R.P.No.1195 to 1197 of 2020 and
C.M.P.No.6459, 6464 and 6460 of 2020

RR(CO)
SP(20/03/2020)