



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 04.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

C.R.P. (PD) (MD) No.1247 of 2013

and

M.P(MD).No.1 of 2013

1.Ali Diwan Sha Mosque Bheemahagar
Trichy -1
represented by its Muthawalli
K.M.Sulthan Mohaideen

2.K.M.Sulthan Mohaideen ... Petitioners/Petitioners/Petitioners

vs.

1.R.Senthilkumar
2.R.Soundari ... Respondents/Respondents/Respondents

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order in I.A.No.406 of 2011 dated 13.06.2013 in Wakf O.P.No.8 of 2011 on the file of the Principal Subordinate Judge (Wakf Tribunal), Trichirappalli.

For Petitioners : Mr.N.Mohan

ORDER

This revision is filed by the Wakf Board challenging an order dismissing its petition for appointing a Commission.

2.The suit is laid for eviction of tenants of the Wakf property. It is averred in the affidavit filed in support of the petition that there was an old structure in the suit property and that during pendency of the suit, the same is being demolished and re-constructed to note down which the plaintiff has filed I.A.No.406 of 2011 for appointing a Commission for local inspection. This was dismissed.

3.The respondents were served but they did not appear.

4.Heard the learned counsel for the revision petitioners.

5. The apprehension of the revision petitioners was that some construction was being made in 2011 and in 2020 in all probability



the construction would have been completed. The learned counsel for the petitioners also submitted that this is the most probable thing.

6. In these circumstances, this Court chooses to dismiss this petition, however, with liberty to the petitioners to file a fresh petition before the trial Court if the nature of building or extent of building occupies is material to the suit. As and when any such application is filed by the revision petitioners, the Court shall dispose of the same in the manner contemplated by law.

7. In fine, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2020

Sub Assistant Registrar(CS)

CM/msa

To

1. The Principal Subordinate Judge (Wakf Tribunal),
Trichirappalli.
2. The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.(2)

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