



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 22.11.2021
CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P.Nos.302 and 413 of 2021
and
C.M.P.Nos.7470 and 9858 of 2021

Tr.C.M.P.No.302 of 2021:

S.P.Sha @ Syed Peer Sha .. Petitioner

Vs.

- 1.Uma
- 2.Balaji
- 3.Murali
- 4.Ahmed Basha
- 5.The Tashildar, Arcot, Ranipet District.
- 6.The Town Survey Officer,
Town Panchayath Office,
Arcot, Ranipet District.
- 7.The Village Administrative Officer,
Town Panchayath Office,
Arcot, Ranipet District.
- 8.The Deputy Superintendent of Police,
Arcot, Ranipet District.
- 9.The Inspector of Police
Arcot Town Police Station,
Ranipet District.
- 10.The Sub-Registrar
Arcot, Ranipet District.
- 11.The District Collector,
Arcot, Ranipet District.

.. Respondents

PRAYER in Tr.C.M.P.No.302 of 2021: Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure, praying to withdraw and transfer the O.S.No.284 of 2020 pending on the file of the Sub-Court, Ranipet to the Tamil Nadu Waqf Tribunal, Chennai.



Tr.C.M.P.No.413 of 2021:

S.P.Sha @ Syed Peer Sha

.. Petitioner

WEB COPY

Vs.

- 1.Uma
- 2.Balaji
- 3.Murali
- 4.Ahmed Basha
- 5.Tashildar, Arcot, Ranipet District.
- 6.The Town Survey Officer,
Town Panchayath Office,
Arcot, Ranipet District.
- 7.The Village Administrative Officer,
Town Panchayath Office,
Arcot, Ranipet District.
- 8.The Deputy Superintendent of Police,
Arcot, Ranipet District.
- 9.The Inspector of Police
Arcot Town Police Station,
Ranipet District.
- 10.The Junior Engineer (TNEB)
Arcot, Ranipet District.
- 11.The District Collector,
Arcot, Ranipet District.

.. Respondents

PRAYER in Tr.C.M.P.No.413 of 2021: Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure, praying to withdraw and transfer the O.S.No.84 of 2020 pending on the file of the Sub-Court, Ranipet to the Tamil Nadu Waqf Tribunal, Chennai.

For Petitioner : Mrs.A.Ajimath Begum
For Respondents : Mr.M.Durai Murugan for R1 to R3
Dr.S.Suriya, Government Advocate for R5 to 11
R4 - No appearance
in both the Tr.CMPs



O R D E R

These two Transfer Civil Miscellaneous Petitions have been filed by one of the defendants in O.S.Nos.84 of 2020 and 284 of 2020 pending on the file of the Sub-Court, Ranipet seeking transfer of those suits to the Waqf Tribunal, Chennai.

2. The basis on which the transfer is sought for is that the properties subject matter of suit are Waqf properties and therefore the Waqf Tribunal would alone have jurisdiction. The plaintiffs who are the respondents in these Transfer Petitions filed suits for injunction against individuals. The nature of the properties as Waqf Properties is not admitted. It is the contention of the petitioner herein, as defendant in those suits, that the properties are Waqf properties. So character of the properties is in dispute. Unless the learned subordinate Judge decides the nature of the properties, the transfer of proceedings to the Waqf Tribunal may not be proper. It is seen from the written statement filed in the suits that the petitioner has contended that the properties are Waqf properties and therefore the Sub-Court has no jurisdiction.

3. It is for the Sub-Court to decide on that issue. At this juncture I do not think it will be proper for me to enter upon the issue as to whether the properties are Waqf properties or not and exercise the power under Section 24 of the Code of Civil Procedure to transfer the proceedings to Wakf Tribunal.

4. Hence, these Transfer Civil Miscellaneous Petitions are dismissed. No costs. Consequently, the connected miscellaneous petitions are also closed. It is made clear that the learned Subordinate Judge, before whom the suits are pending will decide the nature of the properties independent of any observations made in this order.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

dsa

To

1. The Subordinate Judge, Ranipet.

2. The Tamil Nadu Waqf Tribunal, Chennai.

+1 cc to Mr. M.Durai Murugan , Advocate Sr.NO. 60594

+1 cc to Mr. M.Durai Murugan, Advocate Sr.NO. 60593
(22.12.2021)

Tr.C.M.P.Nos.302 and 413 of 2021

KSM(CO)

A.SK(06.12.2021)