

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(P.D).No.3217 of 2016
and C.M.P.No.16303 of 2016
and CMP No.17350 of 2018

The Chief Executive Officer,
Tamil Nadu Waqf Board,
1, Jaffer Syrang Street,
Vballal Seethakathi Nagar,
Chennai – 600 001.

...Petitioner

Vs

1.Mohammed Ibrahim
2.Zakir Hussain

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order in I.A.No.5531 of 2016 in O.A.No.5 of 216 dated 17.07.2016 on the file of I Assistant City Civil Court cum Wakf Tribunal at Chennai.

For Petitioner : Mr.V.Lakshminarayanan
For Respondents : Mr.R.Venkata Varathan

ORDER

This Civil Revision Petition is filed challenging the fair and decreetal order dated 17.07.2016 made in I.A.No.5531 of 2016 in

O.A.No.5 of 216 on the file of I Assistant City Civil Court cum Wakf Tribunal at Chennai, thereby allowing the petition for stay.

2. The respondents claimed to be purchasers of the suit property registered in the name of the Muslim Labbai Jamath Arabic Madarasa. According to them, the President of the Jamath had alienated the property in their name. He further submitted that the suit property is not a Wakf property, since there is no express dedication made as Wakf property. Therefore, they challenged the notice issued by the respondents under the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975. Since, the year 2010, the Government of Tamil Nadu has amended the provision and as per the amendment, a Wakf registered with the Tamil Nadu Wakf Board is deemed to be “Public Premises” under the said Act.

3. The respondents came to understand that the petitioner has registered the suit property as Sl.No.318 of Chennai under the name of Muslim Labbai Jamath Arabic Madrasa, Anna Salai, Triplicane, Chennai,

without affording an opportunity to the person interested in the suit property. While pending O.A, the respondents filed a petition for stay of all further proceedings in respect of notice issued by the petitioner herein and the same was allowed. Aggrieved by the same, the petitioner filed the present Civil Revision Petition and obtained interim suspension of the stay order passed by the Wakf Tribunal.

4. Thereafter, the petitioner also proceeded under the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975 and order of eviction was passed. Aggrieved by the same, the respondents filed an Appeal in CMA.No.95 of 2016 on the file of Principal Judge, City Civil Court, Chennai.

5. In fact, after the argument of both the learned counsel for the petitioner as well as the learned counsel for the respondents, the matter was posted “for orders” on 30.03.2021. At that juncture, the learned counsel for the petitioner would submit that the petitioner hereby undertakes not to disturb the peaceful possession and enjoyment of the

suit property by the respondents herein till the disposal of CMA No.95 of 2016 on the file of the Principal Judge, City Civil Court, Chennai.

6. Recording the above undertaking, both the parties are at liberty to workout their remedy subject to the result of the CMA.

7. With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

29.03.2021

Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No

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To
The I Assistant City Civil Court cum Wakf Tribunal
Chennai.

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G.K.ILANTHIRAIYAN , J.

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