



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P (PD) NO.2841 OF 2021

AND

CMP.NO.20608 OF 2021

Samsudeen

..Petitioner

Vs.

1. R.Jayaraman
2. Hasan Ali
3. Megaraj
4. Tamil Nadu Waqf Board,
Rep. By its Secretary,
George Town, Chennai - 600 001.
5. The Waqf Inspector,
Tamil Nadu Waqf Board,
Cuddalore, Cuddalore District.

..Respondents

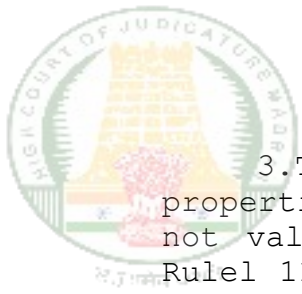
Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 07.10.2021 made in IA.No.184 of 2021 in OS.No.70 of 2017 on the file of the Additional District Munsif Court, Chidambaram.

For Petitioner : Mrs.A.Ajimath Begam

O R D E R

Challenge in this revision is to the dismissal of an vexatious application launched by the petitioner with a view to scuttle progress of the suit in OS.No.70 of 2017.

2.The suit in OS.No.70 of 2017 was filed by the first respondent seeking declaration that he has got a right of lease under the registered lease deed dated 16.09.2016 and for a consequential permanent injunction restraining the defendants from interfering with his possession of the suit property. The plaintiff would claim that the properties belong to a private trust and the same was leased out to him under a registered lease deed.



3.The defendants are resisting the suit contending that the properties are Waqf properties and hence, the lease itself is not valid. The defendants filed an application under Order 7 Rule 11 of CPC., seeking rejection of the plaint, claiming that the suit between the father of the revision petitioner and the respondents, with regard to the suit properties, has been suppressed by the respondent / plaintiff. The claim was made that the properties are Waqf properties and therefore, it being unalienable, the lease created is invalid. The Trial Court, dismissed the application under Order 7 Rule 11 of CPC. Revision against the said order was also dismissed by this Court in the writ petition. This Court had held that the properties are not Waqf properties and the contention of the plaintiff in the suit namely, 1st respondent herein that the properties belonged to a private trust will have to be considered on the evidence. Thereafter, the petitioner has come up with an application seeking return of the suit to the plaintiff to be presented before the Waqf Tribunal, contending that there is a bar under Section 85 of the Waqf Act.

4.If the petitioners are serious in their contentions that the properties are Waqf properties and the suit is barred under Section 85, it is for them to project the bar at the time of trial and get the suit disbursed. It is seen that the petitioners not being sure of their case, have been adopting dilatory tactics to drag on the proceedings. Hence, I do not see any merit in this revision. This civil revision petition therefore, fails and it is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

kkn

To:-

The Additional District Munsif,
Chidambaram.

C.R.P (PD) No.2841 of 2021
and
CMP.No.20608 of 2021

SVI (CO)
RLP (12/01/2022)