



WEB COPY



CRP.No.503 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2022

CORAM

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

Civil Revision Petition No.503 of 2020

&

CMP.Nos. 2714 & 2711 of 2020

1. S. Sarojava Vastrad
2. Marulashankaryya S. Vastrad
3. Sangayya Vastrad

..Petitioners

Versus

Khanmian Mosque and Durga,
Palakkarai, Trichy,
represented by its Hereditary Muthavalli
A. Sulthan Khan,
No.65, Qiaude Millath Nagar,
Tennur, Tiruchirapalli 620 017

.. Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order passed in I.A.No.189 of 2019 in O.A.No.86 of 2019 on the file of Tamil Nadu Wakf Tribunal, Chennai, dated 04.09.2019.

For Petitioners : Mr. S. Parthasarathy, Senior Counsel

For Respondents : Dr. S.N. Amarnath



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ORDER

WEB COPY The petitioners have filed the present Civil Revision Petition challenging the order passed by the Chairman/District Judge, Tamilnadu Wakf Tribunal, Chennai in I.A.No.189 of 2019 in O.A.No.86 of 2019 granting ad-interim injunction restraining the revision petitioners herein from alienating or encumbering the schedule property till the disposal of the main application.

2. Originally, the respondent herein viz., Khanmian Mosque & Durga, Palakkarai, filed an application in Wakf O.P.No.13 of 2017 before the Wakf Board Tribunal, Tiruchirapalli against the revision petitioners seeking the relief of declaration and recovery of possession of the suit properties and for a further relief of perpetual injunction restraining the revision petitioners from claiming any right over the said suit properties.

3. Later, the said Wakf O.P., was transferred to the Tamilnadu Wakf Tribunal/District Judge, Chennai and renumbered as O.A.No.86 of 2019 and the same is pending. In the said O.A., the plaintiff/respondent herein filed an interlocutory application in I.A.No.189 of 2019 seeking an order of temporary injunction restraining the revision petitioner from interfering or



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alienating the suit property till the disposal of the suit. The Tamilnadu Wakf Tribunal, Chennai allowed the said petition exparte and granted an interim injunction till the disposal of the main O.A. Aggrieved over the same, the petitioners have filed the present Civil Revision Petition.

4. The only point canvassed by the learned counsel appearing for the revision petitioners before this Court is that no notice intimating the transfer and re-numbering of the Original Petition was served on the Revision petitioners/respondents by the transferee Wakf Tribunal, on account of which, the petitioners were unable to contest I.A.No.189 of 2019 pending before the Tamilnadu Wakf Tribunal.

5. On 8.4.2022, this Court directed the Registry to get the entire records in O.A.No.86 of 2019 on the file of Wakf Tribunal, Chennai and accordingly the records were sent. A perusal of the records shows that neither the Tamilnadu Wakf Tribunal, Trichy, nor the Wakf Tribunal, Chennai has issued notice to the revision petitioners intimating the transfer and re-numbering of the original petition. The Court which transfers the case should intimate the transfer to both the parties or their counsels and get their signatures on the petition/plaint etc., that they understood that the case



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is being transferred to some other court. In this case, no such procedure has been followed.

6. In the circumstances, this court is of the view that the order passed in I.A.No.189 of 2019 without hearing the respondents therein (revision petitioners) is liable to be set aside and accordingly, the same is hereby set aside. The learned Chairman/District Judge, Tamil Nadu Wakf Tribunal at Chennai is directed to dispose of I.A.No.189 of 2019 afresh, after affording sufficient opportunity to both the parties and pass orders on merits in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

7.The Civil Revision Petition stands allowed accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

12.09.2022

Index : Yes/No

Internet : Yes/No

msr

To

The Tamil Nadu Wakf Tribunal, Chennai.



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R. HEMALATHA, J.

msr

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