



WEB COPY

C.R.P. (PD) No.1909 of 2022
and C.M.P. No.9722 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

C.R.P. (PD) No.1909 of 2022
and C.M.P. No.9722 of 2022

1.I.Malikkan

2.A.Prakash

...

Petitioners

versus

1.Tiruppur Khaderpet Ahle Sunnath Jamath
Masjid & Madrasa Paripalana Sabai,
Rep. by its President,
A.Salim @ A.Abdul Rahman,
No.25, Khaderpet, Tiruppur.

2.The Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

3.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

4.R.Syed Haroon

...

Respondents

1/6



PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 15.06.2022 passed in I.A.No.294 of 2022 in O.S.No.237 of 2019 on the file of the Tamil Nadu Wakf Tribunal, Chennai.

For Petitioners : Mr.M.Mohamed Riyaz
for Mr.M.Ali Zaki

ORDER

This Civil Revision Petition has been preferred challenging the order of the Tamil Nadu Wakf Tribunal, Chennai made in I.A.No.294 of 2022 in O.S.No.237 of 2019.

2. The revision petitioners are the third parties in the suit. The petitioners wanted to implead themselves as parties to the proceedings in O.A.No.237 of 2019. The said application was filed by the first respondent before the Tamil Nadu Wakf Tribunal. During the pendency of the same, the revision petitioners claim themselves as interested persons and sought the leave of the Court to implead themselves as parties. The learned



trial Judge dismissed the petition. Aggrieved over that, the petitioners have preferred this Civil Revision Petition.

3. The learned counsel for the petitioners submitted that these petitioners being the tenants in the property in dispute are necessary parties and the learned Tribunal had omitted to look into the interest of the proposed parties and dismissed the petition. Even according to the Civil Revision Petitioners, the proposed respondents are only tenants and they have no other right in the petition mentioned property.

4. The dispute is with regard to the character of the property and about the entitlement of management over the property. In accordance with the suggestion of this Court made in W.P.Nos.30528, 31768 and 34634 of 2014 and also taking into context of O.A.No.15 of 2014 already pending in the Tamil Nadu Wakf Tribunal, the parties, who claim the management over the wakf property, has subjected themselves to the jurisdiction of the Wakf Tribunal. It is not the claim of the petitioners that even during the pendency of the proceedings when O.A.No.15 of 2014 is pending, they were parties to the said proceedings.



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5. The petitioners being the tenants, they have to obey the result of O.A.No.15 of 2014 and pay the rent. There may be several tenants in the wakf properties, similar to the petitioners herein and all the tenants are not necessary parties for deciding the dispute raised in O.A.No.15 of 2014.

6. The learned trial Judge has rightly dealt the merits of the impleading petition and dismissed the same. Since the matter in issue in O.A.No.15 of 2014 can be effectively disposed of even without the presence of the proposed parties, it is right for the learned trial Judge to hold that they are unnecessary parties. Hence, I do not find ground for interference.

7. Hence, this Civil Revision Petition is dismissed and the order dated 15.06.2022 passed by the Tamil Nadu Wakf Tribunal, Chennai in I.A.No.294 of 2022 in O.S.No.237 of 2019 is hereby confirmed. Consequently, connected Miscellaneous Petition is closed. However, there is no order as to costs.

22.06.2022



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Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

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To

The Tamil Nadu Wakf Tribunal,
Chennai.

C.R.P. (PD) No.1909 of 2017
and C.M.P. No.9722 of 2017





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R.N.MANJULA, J.

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and C.M.P. No.9722 of 2022

22.06.2022