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C.R.P.No.3922 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:30.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.R.P.No.3922 of 2022
and C.M.P.No.20503 of 2022

M.Nazeer Ahmed

...Petitioner

Versus

Ameerunnissa Begum Sahiba Endowment,
Represented by its President
Mr.Jalal Ameenur Rahman
No.76, Pycrofts Road (Bharathi Salai)
Triplicane, Chennai - 600 005.

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, pleased to set aside the fair and decreetal order dated 01.11.2022 passed by the Tamilnadu Waqf Tribunal in I.A.No.485 of 2022 in O.S.No.18 of 2019.

For Petitioner : Mr.S.Giritharan
For Respondent : Mr.N.A.Nissar Ahmed

O R D E R

The Civil Revision Petition is filed challenging the order passed by the Court below dismissing the petition filed by the revision petitioner/defendant seeking to issue subpoena to the Tahsildar, Mylapore-Triplicane Taluk, Chennai, to appear before the Waqf tribunal to produce all the relevant records namely, Permanent Land Register and A-Register of Mylapore and Triplicane villages



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pertaining to Old Survey No.329 and corresponding Re-Survey Nos.189 to 201.

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2. The respondent herein filed the suit for ejectment based on landlord tenant relationship. The petitioner herein filed his written statement and resisting the suit on the ground that there is no landlord tenant relationship between the parties. The trial in the suit has already commenced and it is posted for further evidence by the petitioner / defendant. At this stage, the petitioner has filed the present petition seeking to issue subpoena to the Tahsildar, Mylapore-Triplicane Taluk to produce land records.

3. It is settled law, in a suit for ejectment filed based on jural relationship of the landlord and tenant, the Court need not go into the question of title. The plaintiff can succeed in the suit by proving the landlord tenant relationship. In the case on hand, the petitioner seeks issuance of subpoena to the Tahsildar, Mylapore-Triplicane Taluk, for producing documents like Permanent Land Register and A-Register etc.,and this is not a suit based on the title, it is only based on jural relationship of the landlord and tenant. To determine the jural relationship of the landlord and tenant, Permanent Land Register and A-Register are not required.



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4. The suit is of the year 2008 and the trial in the matter has already commenced and the matter is posted for further evidence by the petitioner/defendant. If at all, it is open to the petitioner to get the certified copies of the said documents from the concerned department and produce it before the Court. In view of the narrow scope of the suit, the documents referred to by the petitioner/defendant are not required to decide the real controversy between the parties.

5. Under these circumstances, the present petition filed by the revision petitioner at a belated stage after the trial has progressed to substantially is not at all necessary and hence, this Court does not find an error in the order passed by the Court below. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

30.11.2022

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Index: Yes/ No

Speaking Order / Non-Speaking Order



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To

The Tamil Nadu Waqf Tribunal,
Chennai.



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S.SOUNTHAR, J.

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