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C.R.P.No.201 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.201 of 2023

M.A.Mohamed Abdul Kader

... Petitioner

Vs.

- 1.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Sirang Street,
Vallal Seethakadhi Nagar,
Chennai – 600 001.
- 2.The Superintendent of Wakfs,
Office of the Wakf Superintendent, Tirunelveli,
Khader Avulia Pallivasal Campus,
No.51/80, Trivandrum Road,
Palayamkottai, Tirunelveli District – 627 002.
- 3.The Wakf Inspector,
Kanyakumari District,
Officer of the Wakf Superintendent,
Tirunelveli Khader Avulia Pallivasal Campus,
No.51/80, Trivandrum Road,
Palayamkottai, Tirunelveli District – 627 002.
- 4.S.Mohammed Ali
- 5.S.Mohammed Yasir
- 6.S.Mohammed Raabi
- 7.Y.Mohammed Javahar
- 8.J.Shanavas



9.L.Faizal Ali
10.K.Mohammed Ali
11.B.Abhubakkar Salim
12.S.Sukarno
13.Mohammed Javaheer
14.M.A.Mohammed Faizal
15.Mohammed Afzal Palaz
16.Ahamed Asaif Ali @ Asik
17.Kottar Malik Dinar Baithumal Jamath

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the Wakf Tribunal at Chennai to dispose of the proceedings in Original Application in O.A.No.97 of 2021 within stipulated time frame fixed by this Court.

For Petitioner : Mr.V.Pavan Kumar

For R1 to R3 : Mr.K.Abdul Owais

ORDER

The relief sought for in the present civil revision petition is to direct the Wakf Tribunal at Chennai to dispose of the proceedings in O.A.No.97 of 2021 within a stipulated time.

2. The petitioner is the plaintiff in the Original Application and the O.A.97 of 2021 was filed, challenging the election proceedings.



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3. The learned counsel for the petitioner states that O.A.97 of 2021 is pending for more than 1 year and long delay would cause prejudice to the interest of the parties as the election proceedings are under challenge.

4. Unnecessary adjournments on flimsy grounds would cause prejudice to the parties to the litigation. Rule is to conduct the case on the date it is posted for hearing. Adjournment is an exception. Thus, adjournments are to be granted only on genuine grounds and even in such circumstances, on commencement of trial long adjournments are to be avoided. The reason is to be recorded by the Courts, if it is genuine.

5. Long pendency of litigations causing untold mental agony to the litigants are to be considered by the Courts concerned, while granting adjournments in a routine manner. Any party seeking adjournment on flimsy grounds or attempting to prolong and protract the case, then heavy cost is to be awarded, which is to be paid to the other party, who is ready to conduct the case. If such adjournments are frequently sought for, then exemplary or maximum costs are to be awarded by the Court concerned. The endeavour of



the Court is to ensure that the cases are disposed of as expeditiously as possible by avoiding unnecessary adjournments.

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6. High Court cannot issue directions to the District Judiciary for speedy disposal of cases in a routine manner. Frequent directions if issued, the same cannot be a practical solution. The trust on the District Judiciary due to overburdening of litigation on Board is to be taken into consideration by the High Court. The routine directions for speedy disposal, if it is issued, it would further cause unnecessary pressure on the District Judiciary. In many such cases, wherein directions are issued, the District Judiciary has come out with administrative letter, seeking extension of time again and again and thus, the purpose for which such directions were issued by the High Court became defeated.

7. The longevity of the litigations are occurring at the instance of the parties on many occasions. The legal brains are adopting tactical approach to prolong and protract the cases for unjust gains and for Forum Shopping. Any party having an idea to achieve their goal in an indirect or illegal manner, then they are adopting all such tactics for the purpose of prolonging the case, which



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cannot be tolerated by the Courts. On some occasion, if any litigants feel that a particular Judicial Officer in the District Judiciary is inconvenient to them, they are seeking adjournments after adjournments or filing frivolous interlocutory applications through which they all are causing longevity to the litigation. Ill-motives of such litigants if allowed to succeed, then the same will result in miscarriage of justice and thus the Courts are expected to be cautious, while granting unnecessary adjournments on flimsy grounds. All such attempts should be thwarted by the Courts and the Court cannot aid such ill-motive of the parties. The frivolous and unnecessary interlocutory applications are to be dealt with in accordance with law and if the Court formed an opinion that such interlocutory applications are filed with an idea to prolong and protract the issues or filed with ill-motives, then the Court would not hesitate in awarding exemplary or maximum cost on such applications. The cases are to be disposed of in consistent manner to avoid unnecessary allegations and to redress the grievances of the parties approaching the Court of Law.

8. In the event of issuing direction in Civil Revision Petitions for speedy disposal without considering the number of cases pending in a particular Court on Board, it will result in discrimination against many other litigants, who all



are waiting for disposal of their respective cases. There are allegations against the Courts that the cases are selectively picked up and disposed of. The plight of the poor and downtrodden are also to be taken into consideration, while disposing of the cases. The Court cannot provide any room for such feeling to the litigants. The trust on the Judicial System is the Hallmark and any form of favouritism or otherwise even in the matter of hearing of cases will have larger repercussions on the system. No doubt certain cases are to be disposed of urgently if there is a public interest involved or the litigants are able to establish genuine urgency for early disposal of the cases. Such cases alone are to be given priority.

9. The practice of giving preference to any litigation without any justification at all circumstances to be avoided. Every litigant approaching the Court of Law is waiting for justice and thus, it must be done in a consistent manner and without discriminating the litigants. Therefore issuing directions indiscriminately for speedy disposal of cases by the District Judiciary would do no service to the cause of justice. Every urgency cannot be considered for issuing a direction for speedy disposal, the urgency, which is imminent to be considered.



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10. High Court cannot issue such directions for speedy disposal unless there is a justification or acceptable reason for issuing any such directions. However, this Court is of an opinion that several such similar petitions would be pending before the Wakf Tribunal and the Court concerned is expected to regulate and give priority to the urgent cases and the cases, which all are required to be disposed of within a reasonable period of time. Such an exercise cannot be done by the High Court with reference to the proceedings pending before the Wakf Tribunal and the Court concerned is the right person to regulate its own proceedings on board.

11. With these observations, the Civil Revision Petition in C.R.P.No.201 of 2023 stands disposed of. However, there shall be no order as to costs.

01.02.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



To

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S.M.SUBRAMANIAM, J.

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