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C.R.P.No.2901 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2023

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THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P.No.2901 of 2019
and C.M.P.No.18814 of 2019

A.Nazir

.. Petitioner

Vs.

1. Santhapettai Pallivasal Jamath,
represented by its member,
Syed Feroz

2. The Chief Executive Officer,
No.1, Jaffar Syrang Street,
Chennai-600 001.

3. The Wakf Superintendent (North),
Office of Tamil Nadu Wakf Borad,
No.4A & 5A, Tippusultan Market,
1st Floor, 1st Agraharam,
Salem-636 001.

.. Respondents

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 14.06.2019 in I.A.No.192 of 2019 in O.A.No.294 of 2019 on the file of Tamil Nadu Wakf Tribunal, Chennai.

For Petitioner	: Mr.Nissar Hussain for Mr.I.Kowser Nissar
For R1	: Mr.A.Abdul Rahman
For R2 and R3	: Notice served



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ORDER

This Civil Revision Petition has been filed as against the fair and decreetal order dated 14.06.2019 in I.A.No.192 of 2019 in O.A.No.294 of 2019 on the file of Tamil Nadu Wakf Tribunal, Chennai, thereby granted interim exparte stay and extended time to time.

2. The petitioner is a third party to the order which is challenged in O.A.No.294 of 2019. The Santhapettai Pallivasal Jamath Mosque is a surveyed and notified Wakf under the supervisory control of the Tamil Nadu Wakf Board, in which the petitioner is the Mutawalli of the above Wakf. It is governed by an approved bylaw, dated 25.08.1969, in which the Wakf is to be administered and managed by a committee consisting of 11 members totally more particularly 6 members from the Jamathars and 5 members from the Inamdars. The Mutawalli is appointed from either of the sects in turns and the Joint Mutawalli is appointed from the sect other than the sect from which the Mutawalli is appointed.

3. The Wakf Board, after conducting a detailed enquiry and after



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hearing all the parties concerned, on 18.02.2019 passed a resolution selecting a committee consisting of 11 members in accordance with the approved bylaw governing the wakf. Accordingly, the second respondent herein appointed a committee vide proceedings dated 26.02.2019 for a period of three years. Accordingly, the committee is functioning in accordance with law.

4. While being so, one Syed Feroz as if he is the member of the Santhapettai Pallivasal Jamath, challenged the proceedings of the second respondent before the Tamil Nadu Wakf Tribunal, in O.A.No.294 of 2019 in representative capacity without adding the committee members as parties to the original application. The first respondent also filed an application in I.A.No.192 of 2019 and obtained an interim order of stay without adding the petitioner as a party. Therefore, the interim order cannot be sustained as against the petitioner and it is liable to be set aside.

5. Accordingly, the fair and decreetal order dated 14.06.2019 in



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I.A.No.192 of 2019 in O.A.No.294 of 2019 on the file of Tamil Nadu
Wakf Tribunal, Chennai, is hereby set aside.

6. In view of the above, this Civil Revision Petition is allowed.

Consequently, connected Miscellaneous petition is closed. No costs.

08.02.2023

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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To

The Tamil Nadu Wakf Tribunal, Chennai.

G.K.ILANTHIRAIYAN,J.



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