



WEB COPY

Rev.Ptn. No.:



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Review Petition No.38 of 2023

- 1.S.Sundari
- 2.A.Ayesha
- 3.K.Arifa
- 4.S.Basha
- 5.G.Sethilkumar
- 6.S.Selvam
- 7.Sheik Allah Baksh
- 8.Balkis Banu
- 9.Allah Baksh

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Petitioners

-VS-

1. A.Zahir Hussain
2. The Tamilnadu Wakf Board
Rep. by its Chief Executive Officer,
No.1, Jaffar Syrang Street,
Vallal Seethakadhi Nagar,
Chennai-600 001.
3. The Commissioner
Villupuram Municipality, Villupuram.
4. The Assistant Engineer,
Tamilnadu Electricity Board,
14/5. 4th Cross Street,
East Shanmugapuram Colony, Villupuram.
5. The Inspector,



West Police Station,
Villupuram.

6. N.Iqbal

7. B.Jaffer Ali

8. Kalaivasan

9. Poovarasam

10. Hussain

11. Darvesh

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Respondents

Review Petition filed under Section 114 R/W Order 47 Rule 1 of C.P.C.to
review the order dated 04.03.2022 passed in W.P.No.4395 of 2022.

For Review Petitioners : Mr.K.Sukumaran
For Respondents : Mrs.Karthika Ashok (R1)
for Ms.A.Ajimath Begum
Mrs.V.Srimathi (R2)

ORDER

This Review Petition has been filed by the Respondents 5,6,9,10,11,12,14,17 &
19 in W.P.No.4395 of 2022 seeking to review the order dated 04.03.2022 passed
therein.





2. This Court, in paragraph 6 of the order dated 04.03.2022, passed in W.P.No.4395 of 2022, has observed as follows:

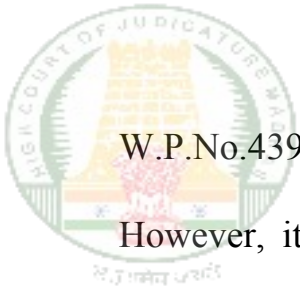
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"6. Since the learned counsel for the petitioner has brought to the notice of this Court by showing the photographs of illegal construction put up by the respondents 5 to 19, they are hereby enjoined not to put up any more construction in the property belonging to the waqf, without obtaining appropriate permission from the waqf Board. This order will not apply if permission has already been granted by the Waqf Board."

3. The learned counsel appearing for the Review Petitioners submitted that since there is a specific order against them holding that the subject property belongs to the Wakf Board in which illegal construction was put up by them, the Wakf Superintendent attached to Cuddalore Division has sent a letter dated 31.05.2022 to them calling upon them to surrender vacant possession of their pucca constructed house. According to him, since the Review Petitioners have not been heard in the Writ Petition, the aforesaid order dated 04.03.2022 needs to be reviewed.

4. Heard both sides. Perused the materials available on record.

5. Considering the submissions made by the learned counsel appearing for the Review Petitioners, as the Review Petitioners have not been heard in the Writ Petition, we are of the view that paragraph 6 of the order dated 04.03.2022 made in



W.P.No.4395 of 2022 alone needs to be expunged and it is ordered accordingly.

However, it is made clear that the other portion of the order under review remains unaltered.

6. We make it very clear that the issue as to whether the property belongs to the Wakf Board or not is left open as the same can be decided only after hearing the Review Petitioners by the authorities in terms of paragraphs 4 and 5 of the order dated 04.03.2022 passed in W.P.No.4395 of 2022 and others who are likely to be affected. The Electricity Department will have to abide by the decision taken by the Commissioner of Villupuram Municipality as reflected in paragraph 3 of the said order passed in W.P.No.4395 of 2022. The authorities are expected to hear the parties on a day-to-day basis without adjourning the matter beyond three working days at any point of time and take a decision at the earliest.

7. This Review Petition is disposed of accordingly. No costs.

[S.V.N., J.] [S.S.K., J]
12.06.2023

Index: Yes / No
Internet: Yes / No
Speaking order/Non speaking order
arr



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