



C.R.P(NPD)No.3569 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2023

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Civil Revision Petition (PD) No.3569 of 2019
and C.M.P.No.23387 of 2019

- 1.Janab.Haji.M.S.Thajuddin
- 2.Janab.Sheik Basith
- 3.Janab.Sheik Abdullah
- 4.Janab.S.Mohammed Ibrahim
- 5.Janab.S.Sowkath Ali

... Petitioners

Vs.

- 1.Janab.Mohammed Cassim
- 2.I.Mumtaz Begum
- 3.The Chairman
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Valla Seethakathi Nagar,
Chennai – 1.
- 4.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Valla Seethakathi Nagar,
Chennai – 1.
- 5.The Wakf Superintendent Cuddalore Zone,



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No.512, Gandhi Road,
Panrutti – 607 106.

... Respondents

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Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the judgment and decreetal order dated 11.10.2019 and made in A.A.No.12 of 2018 on the file of the Chairman/District Judge, Waqf Tribunal, Chennai.

For Petitioners : Mr.Nassir Hussain
for Mr.N.A.Nissar Ahmed

For Respondent 1 : No Appearance

For Respondent 2 : Mr.Alagugoutham

For Respondents 3 to 5 : M/s.V.Pavithra
for M/s.V.Srimathi

ORDER

This Civil Revision Petition has been filed to set aside the judgment and decreetal order dated 11.10.2019 and made in A.A.No.12 of 2018 on the file of the Chairman/District Judge, Waqf Tribunal, Chennai.

2. The case of the petitioners is that the respondents 1 & 2 have filed



appeal in A.A.No.12 of 2018 to set aside the order passed by third respondent dated 28.09.2018 appointing 5 members committee for administration of the Waqf and order for reselection of the 5 members committee for the administration of Hazarath Noor Mohamed Sha Owlia Dargah, Panruti and to give direction to the newly selected members to appoint a trustee and Jainishan for the remaining 5 years and to direct fresh members to create by-laws for the administration of the Waqf and the same was ordered on 11.10.2019. For better appreciation, the relevant paragraphs are extracted hereunder:

“Further the perusal of the documents reveals that the 4th respondent is selected to act as the president of the managing committee. Therefore, when two of the five member committee were not selected in accordance with the scheme decree and the reasons were also not recorded the entire selection has to be set aside. The appellant also seek for direction to the fresh members to create by-laws for the administration of the Waqf. Already the Waqf is governed by scheme decree. In case if any amendment of the rules in the scheme is required it is to be done by amending the scheme in accordance with law. There is no necessity to frame further by-laws for the administration of the Waqf. Therefore this point is answered as such.

Therefore this Tribunal is of the view that the appeal has to be allowed in part except the prayer for creation of by-laws.



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In the result, this appeal is dismissed in respect of relief regarding the framing of by-laws by the fresh committee members. In other respect this appeal is allowed as prayed for. No costs."

3. In view of the above Tribunal order dated 11.10.2019, the order of the Tamil Nadu Waqf Board dated 28.09.2018 was set aside. Aggrieved over the same, the petitioners have come forward with the present Civil Revision Petition.

4. The tenure for the committee is five years i.e., from 28.09.2018 to 28.09.2023. Once, the committee was set aside, a fresh committee has to be appointed. In the case on hand, as per the order of Tribunal dated 11.10.2019, the committee was set aside and fresh committee dated 03.06.2023 was appointed with effect from 01.06.2023 and a copy of the same is circulated to this Court. Hence, nothing survives in this Civil Revision Petition for further adjudication.

5. In view of the above, this Civil Revision Petition is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is



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also closed.

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Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

J.SATHYA NARAYANA PRASAD,J.

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