



C.R.P.No.4299 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 29.11.2023

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No.4299 of 2023

and

C.M.P.No.26183 of 2023

- 1.Syed Akbar Sakkaif
- 2.Syed Ajaz Ahmed
- 3.Haseena Bi

... Petitioners

-Vs-

- 1.Syed Latheef
- 2.G.M.Syed Fasi Mohammed
- 3.Shabana Ayisha
- 4.Fathima Begum
- 5.Syed Thula Basha
- 6.S.A.Rahman
- 7.Syed Faizullah
- 8.Syed Akthar Hussain
- 9.Miss.Habeebunnissa Begum
- 10.The Tamil Nadu Waqf Board
Rep.by its Chief Executive Officer
No.1, Jaffer Syrang Street
Vallal Seethakathi Nagar
Chennai-600 001.

- 11.The Election Officer
/ Superintendent of Waqfs
Chennai Zone, No.139. Dr.Besant Road
Ice House, Triplicane, Chennai 600 005.



C.R.P.No.4299 of 2023

- 12.Syed Mazhar Hussain
- 13.H.Mohammed Sajath
- 14.Syed Kasim Sakaaf
- 15.H.W.Shanaaz
- 16.H.Gayaz Ali
- 17.Mubeen Aamina
- 18.Syed Ghousia Begum
- 19.Showkath Jahan

- 20.Dadahamakkam Waqf
Rep.by the Present Committee
Rep.by the Present Secretary
No.5, Dargah Street, Dadashamakkan
Chennai-600 012.

21.H.Siraj Ali

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order of the Tamil Nadu Waqf Tribunal at Chennai dated 30.10.2023 in I.A. No.329 of 2023 in O.A. No.79 of 2022.

For Petitioners : Mr.P.Valliappan, Senior Advocate
for M/s.PV Law Associates

For Respondents 1 and 2 : M/s.Kaja Navas (Caveator)



WEB COPY



C.R.P.No.4299 of 2023

ORDER

Challenging the impugned fair and decreetal order passed in I.A.No.329 of 2023 in O.A.No. 79 of 2022 passed by the Tamil Nadu Waqf Tribunal, Chennai, the Revision Petitioners preferred this Civil Revision Petition.

2. Before the trial court, the Revision Petitioners filed an application under Order VII Rule 11 (a) and (d) and Sec.151 of C.P.C. to reject the main O.A. That application was strongly opposed by the respondents. On hearing both sides, the Waqf Tribunal held that the consequential relief cannot be sought in the main O.A. for the reason that inherent power conferred under Sec.151 of C.P.C. is not applicable to the present case, thereby it was dismissed. Challenging the said findings, the Revision Petitioners preferred this Civil Revision Petition.

3. Records perused. On perusal of entire facts, it reveals that by invoking Sec.151 of C.P.C. as well as Order VII Rule 11 (a) and (d), the Revision Petitioners prayed to reject the plaint, but those provisions are not applicable to the application filed before the Waqf Tribunal and the same was rightly appreciated by the Waqf Tribunal, which needs no interference.



C.R.P.No.4299 of 2023

Therefore, I do not find any irregularity in the order passed by the Waqf Tribunal. Accordingly, this Civil Revision Petition is dismissed. However, liberty is granted to the Revision Petitioners to raise all their objections before the Waqf Tribunal. Furthermore, though the direction was issued by this court dated 19.04.2023 to the Waqf Tribunal to dispose the case within a period of three months, so far, there is no progress in the proceedings. Hence, the Waqf Tribunal is directed to commence the trial and dispose the case within a period of two months without giving unnecessary adjournments from the date of receipt of copy of this order. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

29.11.2023

Index : Yes/No
Speaking Order : Yes/No
rpp

To

The Tamil Nadu Waqf Tribunal, Chennai.

T.V.THAMILSELVI, J.



WEB COPY



C.R.P.No.4299 of 2023

rpp

C.R.P.No.4299 of 2023

29.11.2023