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CRP(MD).No.430 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2023

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

CRP(MD).No.430 of 2023
and
C.M.P(MD).No.2081 of 2023

S.Mohammed Ravooof Niftar .. Petitioner/Petitioner/9th Respondent

Vs.

1.Haji Pitchai Mohideen Rowther Waqf ... 1st Respondent/1st
Respondent/Applicant

2.Tamil Nadu Waqf Board
rep., by its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Behind Customs House,
Chennai 600 001.

3.S.Mohamed Kasim
4.M.Abubakar Siddique
5.S.K.Gul Mohamed
6.A.Jamal Mohamed
7.E.Abdul Samad
8.P.Sheik Mohamed
9.K.Mohamed Ghiazudeen

.. Respondents 2 to 9/
Respondents 2 to 9/Respondents 1 to 8

PRAYER : Revision Petition filed under Article 227 of the Constitution of India, to allow the civil revision petition by allowing I.A.No.634 of 2022 in O.A.No.52 of 2022 dated 18.01.2023 on the file of the Tamil Nadu Waqf Tribunal, Chennai.



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For Petitioner : Mr.Shangar Murali
For Respondents : Mr.Seeni ragmath nisha
(caveator for R1)
Mr.G.Chandrasekar (for R2)

ORDER

The present revision petition has been filed challenging an order passed in I.A.No.634 of 2022 in O.A.No.52 of 2022 dated 18.01.2023.

2. The first respondent in the revision petition had claimed Hereditary Muthwalliship for Haji Pichai Mohideen Rowthern Waqf, Palakkarai, Trichy. However, the said request of the first respondent herein was rejected by the Waqf Board by their order dated 03.06.2022. Under the same order, an Executive Committee consisting of 8 members was appointed to administer the Waqf. Challenging the said order, the first respondent herein had filed O.A.No.52 of 2022. In the cause title, the first respondent had claimed himself to be a Hereditary Muthwalli of Haji Pichai Mohideen Rowthern Waqf. Aggrieved over the said fact, one of the Executive Members appointed by the Waqf Board had filed I.A.No.634 of 2022 to strike off O.A.No.52 of 2022 on the ground that it has been filed by a wrong person. The said application was dismissed by the Tamil Nadu Waqf Board Tribunal. Challenging the same, the present revision petition has been filed.



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3. According to the learned counsel for the petitioner, the first respondent in the revision petition/applicant in O.A.No.52 of 2022 was never a Hereditary Muthwalli of the aforesaid Waqf. He was appointed as a Muthwalli of the aforesaid Waqf only for a period of three years by the Waqf Board by their proceeding dated 23.01.2003. Therefore, the first respondent can never call himself as a Hereditary Muthwalli. Therefore, the learned counsel appearing for the petitioner submits that O.A.No.52 of 2022, having been filed by a wrong person, is liable to be struck off .

4. The learned counsel appearing for the first respondent submits that counter has been filed by the Waqf Board and other respondents in O.A.No.52 of 2022 and the matter is lope for trial.

5. I carefully considered the submissions made on either side.

6. The apprehension of the revision petitioner is that the first respondent calling himself as a Hereditary Muthwalli by way of incorporating the same in the cause-title to O.A.No.52 of 2022 is interfering in the administration of the Waqf, without there being any interim orders in O.A.No.52 of 2022. The first respondent has also tried



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to collect rent from the tenants of the Waqf. Therefore, it is clear that the revision petitioner is aggrieved over the fact that the first respondent is still calling himself as a Hereditary Muthwalli as per the cause-title in O.A.No.52 of 2022. Whether the first respondent is eligible to be a Hereditary Muthwalli or not, has to be decided after trial in O.A.No.52 of 2022. Just because the first respondent has branded himself as Hereditary Muthwalli in the cause-title, that would not confer any legal status unless it is decided so either by the Waqf Board or by the Tamil Nadu Waqf Tribunal. Therefore, in view of the aforesaid facts, the Revision Petition stands disposed of granting liberty to both parties to raise all the pleadings before the Tamil Nadu Waqf Tribunal, Chennai, in O.A.No.52 of 2022. The Tamil Nadu Waqf Tribunal, Chennai, is directed to dispose of O.A.No.52 of 2022 on or before **31.12.2023**. No costs. Consequently, connected Miscellaneous Petition is closed.

22.02.2023

Index : Yes / No

Internet : Yes / No

Rmk

To
The Tamil Nadu Waqf Tribunal, Chennai.



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R.VIJAYAKUMAR ,J.,

Rmk

Order made in
CRP(MD).No.430 of 2023

Dated:
22.02.2023