



CRP.No.949 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 05.03.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE V.SIVAGNANAM**

**CRP.No.949 of 2024**

**and**

**CMP.No.4753 of 2024**

1.H.Gayaz Ali  
2.Showkath Jahan  
3.H.W.Shanaaz

...  
/vs/

Petitioners

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.Habeebunnissa Begum

10.The Tamil Nadu Waqf Board,  
Rep.by its Chief Executive Officer,  
No.1, Jaffer Syrang Street,  
Vallal Seethakathi Nagar,  
Chennai – 1.

11.The Election Officer/Superintendent of Waqfs,  
Chennai Zone, No.139, Dr.Besant Road,  
Ice House, Triplicane, Chennai-5.



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12.Syed Mazhar Hussain

13.H.Mohammed Sajith

14.Syed Kasim Sakaaf

15.Syed Ajaz Ahmed

16.Mubeen Aamina

17.Haseena Bi

18.Syeda Ghousia Begum

19.Dadasha Makkan Wakf

20.H.Siraj Ali

21.Syed Akbar Sakkaaf

...

Respondents

**PRAYER :** This civil revision petition has been filed under Article 227 of the Constitution of India r/w Section 83(9) of the Wakf Act 1995 to set aside the fair and decretal order dated 19.12.2023 and made in I.A.SR.No.2589 of 2023 in O.A.No.79 of 2022 on the file of the Tamil Nadu Waqf Tribunal at Chennai.

For Petitioners

... Mr.I.Abdul Basith

For Respondent  
Nos.1 & 2

... Mr.Y.Kajanavas

For Respondent  
No.8

... Mr.S.Jerld Lenin

For Respondent  
Nos.10 & 11

... Mr.G.Mohammed Aseef

### **ORDER**

This civil revision petition has been filed against the fair and decretal order dated 19.12.2023 made in I.A.SR.No.2589 of 2023 in O.A.No.79 of 2022 on the file of the Tamil Nadu Waqf Tribunal at Chennai.



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2.The civil revision petitioners are the respondents 8, 12 & 7 in O.A.No.79 of 2022 on the file of the TamilNadu Wakf Tribunal at Chennai. The revision petitioners filed an application in I.A.SR.No.2589 of 2023 to strike out and remove the names of 1<sup>st</sup> and 2<sup>nd</sup> petitioners as 8<sup>th</sup> and 12<sup>th</sup> respondents in O.A.No.79 of 2022 on the ground that they are not necessary party that application was dismissed by the learned trial judge, aggrieved by this order, the civil revision petition has been filed.

3.The learned counsel appearing for the petitioners submitted that in O.A.No.79 of 2022, the original petitioners therein have not stated anything against the respondents 8 & 12, who are the 1<sup>st</sup> & 2<sup>nd</sup> petitioners herein. Under such circumstances, they are improperly joined as respondents 8 and 12 in O.A.No.79 of 2022. Therefore, the revision petitioners filed I.A.SR.No.2589 of 2023 to strike out and remove their names as respondents 8 & 12 in the main O.A.No.79 of 2022 but the tribunal failed to consider the fact and dismissed the same, which is under challenge.



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4.The learned counsel appearing for the respondents submitted that in the main O.A.No.79 of 2022, the main prayer is to be set aside the selection of the respondents 3 to 12 are as null and void along with other applicants. Under these circumstances, the election is also questioned by the applicants in O.A.No.79 of 2022. Being a necessary party, the tribunal rightly rejected the application, no merit in the petition.

5.On perusal of O.A.No.79 of 2022, the fact reveals that the applicants sought the following prayers:

a.To declare that the election as conducted by the 2<sup>nd</sup> respondent dated 03.10.2021 and the subsequent proceedings of the 2<sup>nd</sup> respondent dated 08.10.2021 and 12.10.2021 to electing the applicants 1 to 4 and the respondents 3 to 12 as null and void, illegal and contrary to the By-Laws of the Dadasha Makkan Wakf and set aside the same.

b.To declare that the selection of 5<sup>th</sup> respondent dated 03.10.2021 is null and void and contrary to the by-laws of the wakf on the ground that he is not eligible to participate in the election since he is not a Descendant of Dadasha as per clause 11 of the by-laws of the wakf, and set aside the same.



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c.To declare that the selection of office bearers/Applicants 1 to 4 and the respondents 3 to 12 dated 22.10.2021 as conducted by the 2<sup>nd</sup> respondent at the office of the Superintendent of Wakf, Ice House, Chennai is null and void, illegal and contrary to the By-Laws of the Dadasha Makkan Wakf and set aside the same.

A perusal of records reflects that the revision petitioners are 8, 12 and 7<sup>th</sup> respondents in O.A.No.79 of 2022 and the election was also questioned by the applicants. Under such circumstances, adding them as respondents 8 & 12 cannot be called as improperly joined as respondents 8 and 12 and there is no ground to strike out and remove the names of the 1<sup>st</sup> and 2<sup>nd</sup> petitioners as respondents 8 and 12 in O.A.No.79 of 2022. The tribunal rightly dismissed the petition and I find no ground for interference and there is no merit in the civil revision petition. Accordingly, the civil revision petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No  
Internet : Yes/No  
sms

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**V.SIVAGNANAM ,J.**

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