



C.R.P.No.597 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2024

CORAM

THE HONOURABLE Mrs. JUSTICE R.KALAIMATHI

C.R.P.No.597 of 2023

and C.M.P.No.4813 of 2023

1. Khudrathullah
President,
Masjid-e-Madina (Mosque Committee),
Chennai Port Trust Housing Colony,
Tondiarpet,
Chennai – 600 021.

2. Mohammed Ali
Secretary,
Chennai Port Trust Housing Colony,
Tondiarpet,
Chennai – 600 021

3. Shaik Mohammed
Treasurer,
Chennai Port Trust Housing Colony,
Tondiarpet,
Chennai – 600 021



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4. Madras Port Trust Mosque Association,
represented by its President,
No.441, Madras Port Trust Colony,
Tondiarpet,
Chennai – 600 081

...Petitioners

vs.

1. G.Mohammed Usman
2. Rahim Babu
3. B.Basheer Ahamed

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India read with Section 83(9) of the Wakf Act to set aside the order and decretal order dated 31.01.2023 passed in I.A.No.440 of 2022 in O.S.No.10 of 2018 on the file of the Tamil Nadu Wakf Tribunal at Chennai.

For Petitioners : Mr.A.Thameem Mohideen

For Respondents : Mr.N.A.Nassir Hussain

ORDER

This revision petition is filed by the defendants aggrieved by the order dated 31.01.2023 passed in I.A.No.440 of 2020 in O.S.No.10 of 2018 on the file of the Tamil Nadu Wakf Tribunal, Chennai

2. Heard Mr.A.Thameem Mohideen, learned counsel for the revision

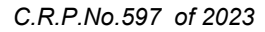


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petitioners and Mr.N.A.Nassirr Hussain, learned counsel for the respondents.

3. The above said application was filed by the plaintiffs under Order VI Rule 17 of the Civil Procedure Code, 1908 on the ground that the suit was filed against the office barriers of the Masjid-e-Madina Muslim Committee namely President, Secretary and Treasurer being defendants No.1 to 3 and the names of the persons holding the post have been shown in the cause title and permission is sought for to delete the names shown in the cause title. The defendants 1 to 3 namely Khudrathullah, Mohammed Ali and Shaik Mohammed.

4. The said petition was counteracted by filing counter stating that the said Masjid is not a wakf: since there is no dedication to God and the suit is not maintainable. The amendment sought for, introduces a new set of defendants against whom the suit was not filed and against whom there was no cause of action on the date of the suit similar to the present defendants. It was further contended that the suit was filed against the office bearers is false, and it is apparent that they were arrayed only as individuals and not as office bearers.



- i. For a declaration that the working employees, as well as the retired employees, namely all the Muslim members residing in Wakf Port Trust Colony, shall be the members of the Masjid-e-Madina, Chennai Port Trust Housing Colony and shall have a right of participation in the management of Masjid-e-Madina, Chennai Port Trust Housing Colony.
- ii. And, for a mandatory injunction directing the 3rd respondent, Treasurer to produce all the accounts of Masjid-e-Madina, Chennai Port Trust Housing Colony from the financial year 2013-2014 to 2017-2018 and for the subsequent years.

6. From the bare perusal of the plaint and coupled with the prayers, it is pellucid that the suit is filed in the interest of all the Muslim people as such who are residing in the Port Trust Colony. The second prayer, as mentioned supra explicates that a direction is sought for against the Treasurer of Masjid-e-Madina.

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such, the names of the three defendants are not necessary to be mentioned as it is likely to be changed for every five years. In the given circumstances, it is proper that they are arrayed in their official capacity. It is also pertinent to note that trial is yet to be commenced. Therefore, as the suit is filed against the office barriers of Mosque Committee, it should not lie in the mouth of the revision petitioners to plead otherwise.

8. Therefore, I am of the considered view that the impugned order does not suffer from any infirmity. Based on the aforesaid discussions, this Civil Revision Petition stands dismissed with a direction to dispose of the suit. The suit is filed in the year 2018. The Tribunal shall dispose of the suit preferably within a period of eight months from the date of receipt of a copy of this order. There is no order as to costs. Consequently, connected Civil Miscellaneous Petition stands closed.

07.08.2024

Index : Yes/No
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Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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R.KALAIMATHI, J.
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