



Tr.CMP.No.424 of 2024

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WEB CO **M.NIRMAL KUMAR, J.**

The petitioner/plaintiff filed a suit in O.S.No.519 of 2017 against the respondent/defendant before the First Additional Sub Court, Tiruchirappalli. The plaint is that the suit property is a wakf property, the petitioner as Muthavalli filed the suit and the respondent is a tenant in the wakf property, who has become a defaulter. The suit was filed to vacate the defendant, deliver the vacant possession, remove the encroachment, order recovery of arrears of rent, recovery of damages and such other orders.

2.During the pendency of the suit before the Lower Court, G.O.Ms.No.15 [Backward Classes, Most Backward Classes and Minorities Welfare (T2) Department] dated 22.02.2018 issued and Wakf Tribunal constituted. Hence, all suits pertaining to the Wakf were directed to be transferred to the Wakf Tribunal. Thereafter, the petitioner filed a memo on 24.08.2021. The Trial Court issued notice to the respondent/defendant to find out if there is any objection. On 27.08.2021, The Trial Court recorded that the respondent had given no objection and the suit was ordered to be



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returned to the petitioner/plaintiff for presenting the proper Forum within one month, which is as follows:

“The Plaintiff counsel present. Defendant counsel present. Plaintiff counsel filed a memo and stating that suit property belongs to Wakf property and Wakf Tribunal is constituted and the suit may be transferred to Wakf Tribunal. Notice given to defendant counsel and the defendant counsel made an endorsement in open Court that “No Objection”. Memo recorded. The suit plaint is ordered to be returned to the plaintiff for presenting the proper Forum within one month and the registry to make necessary entry in the relevant registry.”

3. But thereafter the case is yet to be transferred to the Wakf Tribunal.

The petitioner/plaintiff received the plaint copy on 21.12.2023 and rest of the bundle, retained with the First Additional Sub Court, Tiruchirappalli. Hence, a memo filed to make arrangements for indexing the entire documents relevant to the case in O.S.No.519 of 2017 and transfer to the Wakf Tribunal, Chennai. Since the records not transmitted to the Wakf Tribunal, the proceedings in O.S.No.519 of 2017 is left in limbo. Hence, the



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present petition is filed.

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4.Both the learned counsel for the petitioner and the learned counsel for the respondent appeared . The learned counsel for the respondent concurred to the submissions made by the petitioner.

5.Considering the submissions made, it is seen that the petitioner/plaintiff has received the plaint copy but why the plaint copy alone returned and not the records, what happened to the connected records is not known. Hence, the learned First Additional Sub Judge, Tiruchirappalli is directed to ascertain the status of O.S.No.519 of 2017, whether the records transmitted to the Wakf Tribunal, Chennai, if so, when it was transmitted and if not, for what reason it is kept pending, send a report.

6.Post the matter on 28.06.2024.

13.06.2024

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Note: Issue order copy on 14.06.2024



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