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C.R.P. (PD) No.2529 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P. (PD).No.2529 of 2024

M/s Nusrathul Islam Jamaath
Represented by its General Secretary
Mr.K.Abdul Kader

... Petitioner

Vs.

1.The Union of India
Represented by Union Territory of Puducherry
Represented by its Chief Secretary to Government
Government of Puducherry
Puducherry.

2.M/s Puducherry State Wakf Board
Represented by Chief Executive Officer
Puducherry.

3.The Superintendent of Police
Mahe, Puducherry.

4.V.K.Musthafa
5.P.Musthafa
6.K.Hamza
7.K.P.Sulaiman
Respondents

...



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Prayer: Civil Revision Petition filed under under Article 227 of the Constitution of India, to pass an order directing the Hon'ble III Additional District Judge cum Wakf Tribunal, Puducherry, to appoint an Official Translator knowing both Malayalam and Tamil to assist the Court for recording evidence and to dispose of the suit W.T.O.S.No.1 of 2017, within a stipulated time frame.

For the Petitioner : Mr.C.A.Diwakar

ORDER

This Civil Revision Petition has been filed to direct the III Additional District Judge cum Wakf Tribunal, Puducherry, to appoint an Official Translator knowing both Malayalam and Tamil to assist the Court for recording evidence and to dispose of the suit W.T.O.S.No.1 of 2017.

2. When the matter was taken up for hearing on 19.07.2024, this Court has passed the following order:-

“This civil revision petition has been filed for expeditious disposal of Wakf TOS No.1 of 2017 pending on the file of Wakf Tribunal cum III



Additional District Judge at Puducherry.

2. The proceedings were initiated challenging the order of the Wakf Board appointing the second defendant as Muthavalli and for consequential reliefs.

3. A perusal of the e-court proceedings shows that the proceedings have been adjourned from February 2019 till date for the purpose of "Await Reports". As to what is the report that the learned Wakf Tribunal requires is not made clear. The learned III Additional District Judge cum Wakf Tribunal at Puducherry shall submit a report to this Court as to what is the purpose of adjourning the matter for six years under the purpose "Await Reports".

4. Mr.Diwakar appearing for the civil revision petitioner would submit that it is perhaps because of the absence of any qualified person to translate the evidence of the plaintiff who is conversant only in Malayalam into English or Tamil. He states that his client is willing to expend the necessary charges for the purpose of engaging a person who knows Tamil, Malayalam as well as English to enable the Court to proceed



further in the matter.

5. The report of the learned III Additional District Judge shall be sent by e-mail to be received by this Court on 29.07.2024. Call on 29.07.2024.”

3. Accordingly, the Trial Court has sent the following report:-

"With reference to the letter second cited, I humbly submit that WTOs Mp/1/2017 had been filed by the plaintiff Mr.K.Abdul Kader, who belongs to Mahe region. The plaintiff counsel filed a memo submitting that the plaintiff does not know either Tamil or English language, since his mother tongue is Malayalam. So the plaintiff counsel prayed the court to appoint competent who is well versed in the language of Malayalam and English, so to enable to proceed with the case in a convenient manner.

I humbly submit that a letter had been sent to Law Department, Puducherry, seeking for appointment of Malayalam and English language knowing translator, to assist this court for trial of the case.

I humbly submit that as soon as the Government appoints an Translator, who is



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*conversant in Malayalam and English, trial
would be commenced."*

4. It is seen that the suit has been kept pending from the year 2017 for want of translator, who knows Malayalam and English. Now, the learned Additional District and Sessions Judge, Puducherry, has sent a letter to the Law Department, Puducherry for appointment of a Translator, who knows Malayalam and English.

5. Therefore, this Court directs the Law Department, Puducherry to depute a translator, knowing Malayalam and English to assist the Court for trial, within a period of two weeks from the date of receipt of a copy of this order and thereafter, the suit in Wakf TOS No.1 of 2017 to be completed within a period of two months therefrom. No costs.

29.07.2024

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Index: Yes/ No
Internet: Yes/ No
Speaking Order/ Non Speaking Order
Neutral citation: Yes/No
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The III Additional District Judge cum Wakf Tribunal, Puducherry,

Note:Registry is directed to issue order copy on 06.08.2024.

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M.NIRMAL KUMAR,J.

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