



C.R.P.(PD).No.1216 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(PD).No.1216 of 2021
and CMP.No.9384 of 2021

M.V.Vellimalai

... Petitioner

vs.

1.The Muthawalli
Balasamudram Mosque @
Gani Beebi Dargha Mosque,
Balasamudram, Dindigul District.

2.Sekar
3.Thannasi
4.Rajangam
5.Ramu
6.Raghu
7.K.Chinnathambi
8.Tamil Nadu Wakf Board,
Rep. By Chief Executive officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 1.

... Respondents



C.R.P.(PD).No.1216 of 2021

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Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, praying to strike off the original application in O.A.No.142 of 2020 on the file of the Tamil Nadu Wakf Tribunal, Chennai.

For Petitioner : Ms.B.Sentharagai

For Respondents : M/s.I.Kowser Nissar for R1
M/s.G.Mohammed Aseef
Senior Counsel Wakf for R8

ORDER

The Civil Revision Petition is filed seeking to strike off the original application filed by the first respondent in O.A.No.142 of 2020 on the file of the Tamil Nadu Wakf Tribunal.

2. The first respondent filed the above original application with the prayer seeking injunction restraining the respondents therein from interfering with the first respondent's alleged peaceful possession and enjoyment of the subject matter of the application.



C.R.P.(PD).No.1216 of 2021

3. The petitioner herein who was not a party to the original application filed instant revision seeking to strike off the same on the ground that the first respondent filed a writ petition in W.P.(MD).No.4093 of 2020 before the Madurai Bench of this Court, seeking a direction to official respondent therein to provide police protection to the petitioner to put up a compound wall in the burial ground located in S.No.867/3, Balasamuthram Village, Dindigul District.

4. It is the case of the petitioner that subject matter of the original application pending on the file of Wakf Tribunal and the writ petition is one and the same and initiating two proceedings before two forums is abuse of process of law. Hence, he prayed that the original application shall be struck off.

5. When the matter is taken up for hearing, the learned counsel for the first respondent produced the order passed by this Court in W.P.(MD).No.4093 of 2020, dismissing the writ petition filed by the first respondent as withdrawn with liberty to move appropriate forum.



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C.R.P.(PD).No.1216 of 2021

6. First of all, the petitioner herein was not made as a party in O.A.No.142 of 2020, secondly, in the original application, the first respondent seeks injunction against the other respondents herein restraining them from interfering with his possession and in the writ petition, he seeks police protection to put up compound wall. Both the reliefs are different. Therefore, pendency of the writ petition may not be an impediment for the first respondent to seek relief of injunction against some other private individuals who were not made as a party in the writ petition. In any event, now writ petition is dismissed as withdrawn with liberty to move appropriate forum. Hence, there is no impediment for petitioner to proceed with the original application before tribunal.

7. I do not find any ground to entertain the Civil Revision Petition. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

15.02.2024

Index : Yes / No

4/6



C.R.P.(PD).No.1216 of 2021

Speaking order : Yes / No

Neutral Citation : Yes / No

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To

The Tamil Nadu Wakf Tribunal,
Chennai.



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C.R.P.(PD).No.1216 of 2021

S.SOUNTHAR, J.

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C.R.P.(PD).No.1216 of 2021

15.02.2024