



C.R.P. (PD) No.5235 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

CRP. (PD) No.5235 of 2024

and

C.M.P.No.29250 of 2024

A.Ali Akbar, S/o.Abudl Ajis
Managing Trustee,
Mohideen Aandavar, Puradhana Dargah and pallivasal,
Mina Noordeen Puradhana Dargah and Pallivasal Wakf,
Therkuvasal, Madurai District-101 102.
Chikkakadai Street, Therkuvasal,
Madrai.

.. Petitioner

Versus

1. The Tamil Nadu Wakf Board,
Rep. By its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai-1.
2. The Chief Executive Officer,
Tamil nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai-1.
3. The Wakf Superintendent / Executive Officer,
Madurai Wakf Board Office Circle,
Tamil Nadu Wakf Board, Madurai - 1

.. Respondents



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PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the Tamil Nadu WAKF Tribunal, Chennai to expeditiously dispose of C.M.P.No.17 of 2024 in A.A.No.4 of 2024 dated 10.12.2024.

For Petitioner : Mr.Nissar Ahamed

For Respondents : Ms.Yasmin Ali

ORDER

This civil revision petition seeks for a direction to the Tamil Nadu Waqf Tribunal, Chennai to expeditiously dispose of C.M.P.No.17/2024 in A.A.No.4/2024 dated 10.12.2024.

2. The revision petitioner before this Court is the appellant in A.A.No.4/2024. Challenging his removal as Muthavalli, he has presented an appeal before the Waqf Tribunal. Originally, he filed the Writ Petition before the Madurai Bench of this Court in W.P.(MD)No.28132 of 2024. By an order dated 25.11.2024, the Writ Petition came to be disposed of, with a direction to file an appeal under Section 64(4) of the Waqf Act, 1995.



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3. Aggrieved by the said order, the revision petitioner preferred a Writ Appeal in W.A.(MD)No.2502 of 2024. This Court closed the appeal on 05.12.2024, granting an order of status-quo for a period of one week from 05.12.2024. It further granted liberty to the writ petitioner to prefer an appeal before the Tami Nadu Waqf Tribunal, Chennai.

4. The Appeal has been presented on 09.12.2024, i.e., within the time granted by by this Court. Along with the Appeal, an application was moved for stay of proceedings of the Waqf Board dated 15.10.2024 in R.C.No.11006/18/B8/Madurai and the consequent proceedings of the Chief Executive Officer of the Tamil Nadu Waqf Board. Considering the urgency, the Waqf Tribunal took up the application in C.M.P.No.17 of 2024 for hearing on 12.12.2024. On the next day, a third party filed an application to implead himself as a party to the proceedings in C.M.P.No.18/2024. The said application was dismissed and the Waqf Tribunal, had proceeded to hear the application for stay in C.M.P.No.17/2024.

5. In the meantime, as the Executive officer of the Waqf cum



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Superintendent Officer of the Waqf Board at Madurai attempted to take possession of the Waqf premises, some confusion prevailed in the field. Hence, this revision had been moved before this court.

6. Mr.Nassir Hussain mentioned for lunch motion on 17.12.2024.

He pleaded that the "aasan" room in the mosque has been locked, thereby preventing the Mussalis from offering prayers in the mosque. In addition, he pointed out that when the learned counsel for the civil revision petitioner at Madurai, went over to the mosque in order to assist his client, he was arrayed as an accused in the FIR filed by the Executive Officer cum Superintendent Officer of the Waqf Board.

7. Taking note of the aforesaid circumstances, I requested Mr.N.A.Nassir Hussain to serve the entire set of papers on Ms.Yasmin Ali, learned standing counsel for the Tamil Nadu Wakf Board. The papers had been served. She had also appeared before the Court. I requested her to get instructions on two aspects:



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(i) Whether the "aasan" room and the mosque have been locked?

(ii) As to why an F.I.R. had been registered against the learned counsel who represented the civil revision petitioner.

8. She requested a day's time to get instructions. Hence, the matter is posted today.

9. When the matter is taken up for hearing, Ms. Yasmin Ali stated that the mosque has been kept open from Fajr to Isha i.e., from the morning to the last prayer of the day. She categorically states that no one will be prevented from offering prayers in the mosque.

10. The said submission is recorded.

11. In so far as the F.I.R. is concerned, she states that on account of the alleged threats that had been made to the Executive Officer cum Superintendent Officer of the Waqf Board, he was constrained to file a complaint. She further states that she will advise the Executive officer not to



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precipitate this issue and lodge F.I.R. against the counsel who represents the parties.

12. I am sure that this will advise will be heeded to by the Executive Officer cum Superintendent Officer of the Waqf Board. The Waqf Board can always take action against Muthavalli. Let it not be directed against the lawyers who performed their professional duties.

13. She further submitted that the WAQF Tribunal has stated that it will dispose of the application in C.M.P.No.17 of 2024 by Friday viz., 20.12.2024. Since the Waqf Tribunal itself has decided to dispose of the application by 20.12.2024, all that I have to do is to record the submission. She further assures this Court that she will place her submissions before the Tribunal tomorrow i.e., on 19.12.2024.

14. Recording the aforesaid submission, the Tamil Nadu Waqf Tribunal, is requested to pass orders on **20.12.2024** and if possible, to issue the order copy to both sides on that date.



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This Civil Revision Petition is disposed of. No costs. Consequently,
connected Miscellaneous Petition is closed.

18.12.2024

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To

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V.LAKSHMINARAYANAN J.

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