



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE R. SAKTHIVEL

C.R.P.No.351 of 2023
and
C.M.P.No.2902 of 2023

1. S.A.Venirselvan

2. Krishnaveni

3. R.Tamil Selvi

All are residing at
Old No.7/6, New Door No.10,
Richie Street,
Sivaprakasam Lane,
Narasinghapuram,
Chintadripet, Chennai-600002.

... Petitioners/Petitioners/Appellants

Vs.

1. The Estate Officer,
'Wakf House', No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-6000001.

2. M/s.Ghulam Hussain Mosque,
popularly known as Nagagudi Mosque,
represented by its Vice President,
Mr.Syed Hidayathullah,
No.1, Wallers Road,
Mount Road, Chennai – 600002.

Page No.1 of 6



WEB COPY

3. Tamil Nadu Waqf Board,
represented by its
Chief Executive Officer,
having office at No.1,
Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600001.

...Respondents/Respondents/Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, 1950, praying to set-aside the Fair and Decreeal Order dated November, 11, 2022 passed in I.A.No.5 of 2022 in C.M.A.No.22 of 2020 pending on the file of the Principal Judge, City Civil Court, Chennai and allow the said Interlocutory Application.

For Petitioners : Mr.P.Mohanraj

For Respondents : Mr.Haja Mohideen Gisthi,
For R1 & R3.
Mr.S.Grishiya
For M/s.L.Gavaskar for R2.

ORDER

Aggrieved by the Dismissal Order passed in I.A.No.5 of 2022 in C.M.A.No.22 of 2020 in an Interlocutory Application filed under Section 10 r/w Section 151 of the Code of Civil Procedure, 1908 by the learned Principal Judge, City Civil Court, Chennai, the Petitioners therein have preferred this Civil Revision Petition.



WEB COPY

2. The case of the Revision Petitioners is that they are the owners of the property in question. However, the second Respondent claims that the property belongs to the Wakf. Hence, the first Respondent initiated proceedings under the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act, 1975. The Revision Petitioners filed O.A.No.73 of 2021 before the Wakf Tribunal, Chennai, questioning the registration of the property in the Wakf.

3. Thereafter, the Revision Petitioners have filed an Interlocutory Application in I.A.No.5 of 2022 under Section 10 r/w Section 151 of the Code of Civil Procedure, 1908 praying to stay all further proceedings in C.M.A.No.22 of 2020 pending final decision in O.A.No.73 of 2021 on the file of the Wakf Tribunal, Chennai.

4. The learned Principal Judge, City Civil Court, Chennai, after hearing both sides, dismissed the Interlocutory Application by holding that the O.A.No.73 of 2021 (filed on March 29, 2021) was instituted after the C.M.A.No.22 of 2020 (filed on October 28, 2020), therefore the O.A. is not previously instituted and petition seeking stay of further proceedings is not maintainable.



WEB COPY

5. Feeling aggrieved, the Revision Petitioners preferred this Civil Revision Petition.

6. Mr.P.Mohan Rajan, learned Counsel appearing for the Revision Petitioners, submits that subsequent to the order passed in I.A.No.5 of 2022, the Hon'ble First Bench of this Court in W.P.No.20553 of 2024 and batch has declared that the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Amendment Act 33 of 2010 is repugnant, void and *ultra vires* the Constitution.

7. In view of the aforesaid Order, the main C.M.A. itself has become infructuous. Since the Revision Petitioners have filed O.A.No.73 of 2021, the Wakf Tribunal shall decide the matter in accordance with law.

8. With the above observations, this Civil Revision Petition is dismissed as infructuous. Both parties are at liberty to agitate all the points raised in this Civil Revision Petition before the Wakf Tribunal in O.A.No.73 of 2021. In view of the facts and circumstances of the case,



there shall be no order as to costs. Consequently, connected Civil
Miscellaneous Petition is closed.

12.12.2025

kmm

To

1. The Principal Judge, City Civil Court, Chennai.
2. The Wakf Tribunal, Chennai.
3. The Section Officer,
V.R. Section,
High Court of Madras.



WEB COPY



R. SAKTHIVEL, J.,

kmm

C.R.P.No.351 of 2023

12.12.2025

Page No.6 of 6