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Rev.Appl.No.24, 71 & 72 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2025

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THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

Review Application Nos.24, 71 & 72 of 2025

and

C.M.P.Nos.3335, 7040 & 7043 of 2025

Rev.Appl.No.24 of 2025:

D.I.Fayaz Khan

..... Applicant

-Versus-

1.Janab Mujamil Basha

2.The Tamilnadu Waqf Board

Rep. by its Chairman, office at Chennai, NO.3, Santhome High Road, Chennai-600004

3.The Chief Executive Officer

The Tamil Nadu waqf Board, No.3, Santhome High Road, Chennai-600004

4.The Superintendent Of Waqf

West Zone, salem-636015 D.P.Shoukat Khan (Died) Salam Khan (Died)
M.Sheik Hyder (Died)

5.B.Hidayathullah

Hereditary Mutawalli, Denkanikottai, Dargah of Yarub, having office at
Denkanikottai, Dargah of Yarub, Yarub Nagar, Fort Hosur Taluk, Krishnagiri
District

..... Respondents

Application filed under Order XLVII, Rule 1 r/w Section 114 of CPC
praying to review the common order of this court dated 10.01.2025 made in
C.R.P.No.565 of 2024.



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*For Applicant : Mr.N.A.Nissar Ahmed,
Senior Counsel for
Mr.N.A.Nassir Hussain*

*For Respondent(s) : Mr.C.Jagadish for R1

Mr.Avinash Wathwani for RR2 to 4

Mr.P.H.Arvinth Pandian,
Senior Counsel for
Mr.Vikram Veerasamy for R5*

Rev.Appl. No.71 of 2025:

B. Hidayathullah
Hereditary Muthawalli, Denkanokota, Darga of
Yarub, Having office at Denkanokota, Darga of
Yarub, Yarub Nagar, Post Hosur Taluk, Krishnagiri
District

..... Applicant

-Versus-

1.Janab Mujamil Basha
S/o.Abdul Khader, NO.28/66, Kidwai Street,
Denkanikottai, Krishnagiri District

2.D.I.Fayaz Khan
S/o.Inayathullah Khan, Landlord and transport Business, No.95/1, Hosur Main
Road, Denkanikottai Town and Taluk, Krishnagiri District

3.The Tamil Nadu Waqf Board
Rep. by its Chairman, office at Chennai, No.3, Santhome High Road, Chennai-
600004

4.Chief Executive Officer
The Tamil Nadu Waqf Board, No.3, Santhome High Road, Chennai-600004

5.The Superintendent of Waqfs,
West Zone, Salem-636015

..... Respondents



Rev.Appl.No.24, 71 & 72 of 2025

Application filed under Order XLVII, Rule 1 r/w Section 114 of CPC
praying to review the order of this court dated 10.01.2025 made in
C.R.P.No.568 of 2024.

*For Applicant : Mr.P.H.Arvinth Pandian,
Senior Counsel for
Mr.Vikram Veerasamy*

*For Respondent(s) : Mr.C.Jagadish for R1

Mr.N.A.Nissar Ahmed,
Senior Counsel for
Mr.N.A.Nassir Hussain for R2

Mr.Avinash Wathwani for RR3 to 5*

Rev.Appl. No.72 of 2025:

B.Hidayathullah
Hereditary Muthawalli, Denkanokota, Darga of
Yarub, Having office at Denkanokota, Darga of
Yarub, Yarub Nagar, Post Hosur Taluk, Krishnagiri
District

..... Applicant

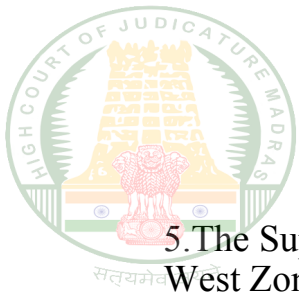
-Versus-

1.Janab Mujamil Basha
S/o.Abdul Khader, NO.28/66, Kidwai Street,
Denkanikottai, Krishnagiri District

2.D.I.Fayaz Khan
S/o.Inayathullah Khan, Landlord and transport Business, No.95/1, Hosur Main
Road, Denkanikottai Town and Taluk, Krishnagiri District

3.The Tamil Nadu Waqf Board
Rep. by its Chairman, office at Chennai, No.3, Santhome High Road, Chennai-
600004

4.Chief Executive Officer
The Tamil Nadu Waqf Board, No.3, Santhome High Road, Chennai-600004



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5. The Superintendent of Waqfs
West Zone, Salem-636015

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..... Respondents

Application filed under Order XLVII, Rule 1 r/w Section 114 of CPC praying to review the order of this court dated 10.01.2025 made in C.R.P.No.565 of 2024.

For Applicant : *Mr.P.H.Arvinth Pandian,*
Senior Counsel for
Mr.Vikram Veerasamy

For Respondent(s) : *Mr.C.Jagadish for R1*

Mr.N.A.Nissar Ahmed,
Senior Counsel for
Mr.N.A.Nassir Hussain for R2
Mr.Avinash Wathwani for RR3 to 5

COMMON ORDER

Review Application Nos.24 of 2025 has been filed by 1st respondent in C.R.P.No.565 of 2024 while the other Review Application Nos.71 and 72 of 2025 have been filed by the 5th respondent in C.R.P.No.568 of 2024 and C.R.P.No.565 of 2024 respectively seeking to review the common order of this court dated 10.01.2025 in C.R.P.No.565 & 568 of 2024.

2. This court has heard Mr.P.H.Arvinth Pandian, Senior Counsel, Mr.C.Jagadish, Mr.N.A.Nissar Ahmed, Senior Counsel and Mr.Avinash Wathwani for the respective parties.

3. These revisions have been filed mainly on the ground that while



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perusing the records, this court has not gone into the bound register.

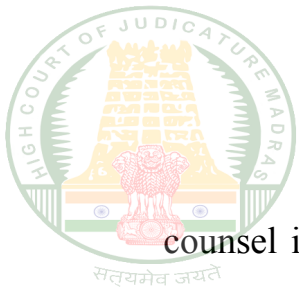
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4. Mr.P.H.Arvinth Pandian, learned senior counsel, would submit that the bound register is the consequence of the Gazette Notification issued on 29.04.1959. In that notification, the waqfs have been notified and the bound register has *prima facie* evidence to show that the phrase “hereditary by custom” has been clearly recorded. According to the learned senior counsel the proforma report is only an extract of the bound register.

5. In support of his submission, Mr.P.H.Arvinth Pandian, learned senior counsel, would place reliance upon the orders of this court dated 02.07.2024 made in C.R.P.No.1770 of 2023 [Vijaraghavan (deceased) v. Ameerunnisa Begum Sahibas Endowment Rep. by its President] and dated 02.07.2024 made in C.R.P.No.4140 of 2023 [Estate of Vijayaraghavan Rep. by Intermeddler and legal representative v. Ameerunnisa Begum Sahibas Endowments, Rep. by its President].

6. Mr N.A. Nissar Ahmed, senior counsel, would also submit that the proforma is only an extract of the bound register, and if there is any discrepancy that crept in in the proforma report, the original bound register alone would prevail and be binding on the wakf board.

7. No doubt, normally, proforma is an extract of the bound register. There is absolutely no dispute in that regard. But the contention of the learned senior



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counsel is that “hereditary as per custom” has not been interpolated; it was in

existence from the very inception, i.e., the bound register.

8. This court has gone through the entire aspect of the matter.

9. This court has, in fact, after having gone through the entire document and, particularly, taking note of the statements recorded in the proceedings of 01.01.1956, found that the word “hereditary as per custom” was totally absent, and, in fact, the statement found in the records which is annexed with Ex.B.2 would indicate that it was only succession by usage, and nowhere was it stated that it was hereditary as per custom.

10. Taking note of the above facts and also the fact that subsequently the documents were all maintained in the Madras office, and it is from there the phrase “hereditary as per custom” has emanated, and it was absent as long as the records were available at Salem. Those were the findings recorded by this court on appreciation of the available records while disposing of the revision petitions under review.

11. This court does not find any merit in the review applications. In effect, the contentions raised in the review applications are nothing but re-agitating the matters, which had already been finally concluded, once again on merits, which is not the scope of review jurisdiction. Yet a mere perception of the court cannot be a ground to review the order passed by the court when there



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is no other error apparent on record brought to the notice of the court. The

review applications deserve to be dismissed.

In the result, the review applications are dismissed. No costs.

Consequently, connected CMPs are closed.

Index : yes / no
Neutral Citation : yes / no

27-03-2025

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To

1.The Chairman/District Judge, Tamil Nadu Waqf Tribunal, Chennai.



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N.SATHISH KUMAR.J.,
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Review Application
Nos.24, 71 & 72 of 2025

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