



WEB COPY

CMP No. 19585 of 2025

CRP.No.137 of 2009



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-12-2025

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THE HONOURABLE MR.JUSTICE P.B. BALAJI

CMP No. 19585 of 2025

in

CRP.No.137 of 2009

1. Rasipuram Chinna Majeed Sunnath
Jamath
Rep. by its Muthavalli D.K.Hussain, 62,
Kadhar Street, Rasipuram Town,
Namakkal District.

Appellant(s)

Vs

1. D.Shekar
S/o. Datchinmoorthy, Residing at No.8,
Muiyan Sandhu, Rasipuram Town,
Namakkal District.

2.The Chief Executive Officer
Tamil Nadu Wakf Board, Indra Nagar,
Chennai-20., Vallal Seethakathai Nagar,
Chennai-001.

Respondent(s)

For Appellant(s): C.Shankar
K.Vaidhyanathan

**ORDER**

Heard Mr.C.Shankar, the learned counsel for the petitioner.

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2. The learned counsel for the petitioner would submit that by an order passed in CRP (NPD) No.137 of 2009, dated 16.04.2015, this Court allowed the revision and consequently ordered eviction against the first respondent. It is further submitted that the original proceedings were pending on the file of the Principal Subordinate Court, Salem/Namakkal (designated Wakf Tribunal) in WOP.No.4 of 2003. The learned counsel for the petitioner, inviting the attention of this Court to Section 39 of the CPC , would contend that unless this Court which passed the decree, transmits the same to the competent Court, the petitioner would not be in a position to execute the decree of eviction.

3. Admittedly, the competent Court to execute the order of eviction against the first respondent is the Principal Subordinate Court, Salem/Namakkal, functioning as the designated Waqf Tribunal. The learned counsel for the petitioner would also submit that no appeal has been preferred against the order passed by this Court in the revision proceedings and therefore, the same has attained finality.



4. In the light of the above facts, this Court finds no impediment in acceding to the request made by the petitioner. Accordingly, this petition is to be entertained.

5. I have also sought necessary clarification from the Registry with regard to the drafting of the decree and was informed that the decree had been drafted pursuant to the order passed in CRP (NPD) No.137 of 2009 and that the same had been communicated to the Waqf Tribunal. However, in view of the fact that the Waqf Tribunal has since been abolished, the execution proceedings will have to be carried out by the Principal Subordinate Court, Salem/Namakkal.

6. In view of the above position, the Registry of this Court is directed to transmit the certified copy of the fair and decreetal order dated 16.04.2015 in CRP (NPD) No.137 of 2009 to the Principal Subordinate Court, Namakkal, to execute the decree of eviction in his favour, in accordance with law.

16-12-2025

Kv



To

1. The Principal District Court, Namakkal.

2. The Subordinate Court, Namakkal.

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P.B. BALAJI, J

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