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Tr.C.M.P.No.572 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE P.B. BALAJI**

**Tr.C.M.P.No.572 of 2025  
and CMP.No.14038 of 2025**

In the matter of:

Jumma Masjid,

represented by its President,

Janab N.Mubarak

Situated opposite to Sriperumbudur Bus Stand,  
Sriperumbudur, Kanchipuram District.

...Petitioner

Vs.

Kanchana

...Respondent

**Prayer :-** Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw and transfer the present suit in O.S.No.69 of 2025, pending before the District Munsif Court, Sriperumbudur, to the Tamil Nadu Wakf Tribunal, Chennai, which has jurisdiction over the suit property.

For Petitioner : Mr.A.Rajamohamed



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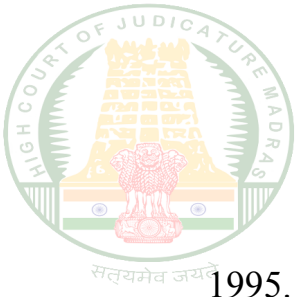
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**ORDER**

There is no representation on behalf of the respondent. In fact, it appears from the cause list that the counsel has entered appearance for the respondent; however, the vakalat has been returned. In order to give an opportunity to the respondent, I directed the revision to be posted today under the caption “for orders.” Even today, there is no representation for the respondent. Hence, I have proceeded to hear the learned counsel for the petitioner.

2. The learned counsel for the petitioner states that the petitioner has filed the suit in O.S.No.69 of 2025 before the District Munsif Court, Sriperumbudur. In the said suit, the plaintiff has sought an injunction to restrain the defendant from interfering with the plaintiff's peaceful possession and enjoyment of the property.

3. The defendant is the Jumma Masjid, represented by its President, the present transfer petition. It is the specific contention of the learned counsel for the transfer applicant that a suit of this nature can be maintained only before the Wakf Tribunal under Section 85 of the Wakf Act,



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1995. Section 85 of the Wakf Act creates an express bar on the jurisdiction of civil courts: No suit or other legal proceeding shall lie in any civil court, revenue court, or any other authority in respect of any dispute, question or other matter relating to any wakf, wakf property or other matter that is required by or under this Act to be determined by a Tribunal. Therefore, I find force in the submission of the learned counsel for the petitioner.

4. The request is only for the transfer of the said suit to the Tribunal. Hence, this Transfer Civil Miscellaneous petition is ordered, and O.S.No.69 of 2025 is withdrawn from the file of the District Munsif Court, Sriperumbudur, and transferred to the Tamil Nadu Wakf Tribunal. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

**29.08.2025**

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2.The Tamil Nadu Wakf Tribunal, Chennai

**P.B. BALAJI, J.**

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