



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2025

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

O.P. Nos.1052 of 2019 & 51 of 2020

1.P.Shikhermal Surana

2.Leelavathi Surana

3.Vinod Surana

4.Rashmi Surana

.. Petitioners in O.P. No.1052 of 2019

K.R.Rukmani Bai

.. Petitioner in O.P. No.51 of 2020

VS

1.The Ameerunnisa Begum Sahiba's Endowments,
rep. by its (i) Special Officer & (ii) C.E.O.

.. 1st respondent in O.P. No.1052 of 2019
and respondent in O.P. No.51 of 2020

2.The Tamil Nadu Waqf Board,
Waqf House, 1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001,
rep. by its C.E.O.

3.The Chairman,
Tamil Nadu Waqf Board,
1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

.. Respondents 2 and 3 in O.P. No.1052 of 2019

(respondents 2 & 3 are impleaded as per
order dated 02.07.2025 in A.No.2642 of
2025 in O.P. No.1052 of 2019)

Prayer in O.P. No.1052 of 2019: Original Petition filed under Section 11(6) of the
Arbitration and Conciliation Act, 1996 to appoint an Arbitrator for the respondent



since it has failed and neglected and refused to do so under the Arbitration Agreements dated 17-07-1962 and 27-03-2001 so that the Arbitrator already appointed by the petitioners and the Arbitrator to be appointed by this Court for the respondents can jointly appoint the Third Arbitrator as contemplated under the Arbitration Agreements to fix the value of the buildings etc. built and owned by the petitioners on the land of the respondent at Door No. 61-63, Dr. Radhakrishnan Road, Mylapore, Chennai 600 004 (described in the schedule here under written) and payable by the respondent to the petitioners before demanding possession of the building under the two registered Lease Deeds dated 17-07-1962 and the two registered Deeds of Confirmation of Extension of Leases dated 27/3/2001, based on the orders of this Court dated 11-04-1962 and approval by the State Wakf Board in 1966 and to direct the respondents to pay to the petitioners exemplary costs for this petition and these proceedings.

Prayer in O.P. No.51 of 2020: Original Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 to appoint an arbitrator for the respondent since it has refused and failed to do so under the Arbitration clause incorporated in the agreement dated 17-07-1962 (document No.1228/1962, SRO Mylapore) so that the arbitrator already appointed by the petitioner and the arbitrator to be appointed by this Court can jointly appoint the umpire as contemplated in the Arbitration clause in the above mentioned agreement to fix the value of the buildings built by this petitioner and standing as on date on the land at door No.69 (Old No.41), Dr.Radhakrihnan Salai, Mylapore, Chennai -4 morefully described in the schedule hereunder which is payable to the petitioner by the respondent before demanding possession, reducing into respondent's possession of the buildings which is now owned possessed and occupied by this petitioner and to direct the respondent to pay petitioner's cost which may be exemplary.



For Petitioners in both cases

: M/s.P.S.Surana,
P.R.Vandana Reheja
Reshmi

For 1st respondent in O.P. No.1052 of 2019 : Mr.N.A.Nissar Ahmed,
and respondent in O.P. No.51 of 2020 Senior Counsel for
Mr.I.Kowser Nissar

For respondents 2 and 3 in
O.P. No.1052 of 2019

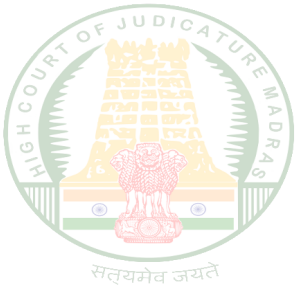
: Mr.Avinash Wadhwani

COMMON ORDER

Learned counsels for the respondents have raised an objection that these petitions filed under Section 11 of the Arbitration and Conciliation Act is not maintainable since the respondents 2 and 3 are registered Wakfs and therefore, Section 85 of the Wakf Act gets attracted. According to the respondents, Section 85 of the Wakf Act bars the petitioners to go for arbitration.

2.Learned counsel for the petitioners has relied upon a decision of the Hon'ble Supreme Court in the case of Interplay between Arbitration Agreements under Arbitration and Conciliation Act, 1996 and Stamp Act, 1899 reported in 2024 6 SCC 1 in support of his contention that these petitions are maintainable.

3.At the same time, he would submit that the petitioners are willing to approach the Wakf Tribunal for redressal of the petitioners' grievances, provided, liberty is granted for the petitioners to approach the Wakf Tribunal.



ABDUL QUDDHO



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4.No prejudice would be caused to the respondents if such a liberty is granted to the petitioners and that too when the respondents have contended that these petitions for appointment of arbitrator is not maintainable.

5.Accordingly, these petitions are disposed of by granting liberty to the petitioners to approach the Wakf Tribunal for the redressal of the petitioners' grievances and liberty is also granted to the respondents to raise all objections before the Wakf Tribunal, once the petitioners approach the Wakf Tribunal for the redressal of the petitioners' grievances. No costs.

24.07.2025

vga

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