



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.[PD](MD)No.138 of 2021

and

C.M.P.(MD)Nos.857 of 2021 & 14940 of 2023

Mansoor Ahamed

...Petitioner

Vs.

M.Abdul Kader,
President of the
Magdoom Gnaniar Pallivasal,
M.G.P.Sannathi Street,
Pettai.

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the judgement and decree passed in 20.03.2017 made in O.S.No.283 of 2011 on the file of the WAKF Tribunal (Principal Sub Judge), Tirunelveli.

For Petitioner : Mr.M.P.Senthil

For Respondent : Mr.T.Selvan



ORDER

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This Civil Revision Petition has been filed seeking an order to set aside the judgment and decree dated 20.03.2017 made in O.S.No.283 of 2011 on the file of the Wakf Tribunal (Principal Sub Judge), Tirunelveli.

2. The respondent herein filed a suit in O.S.No.283 of 2011 before the Wakf Tribunal, Tirunelveli (Principal Subordinate Judge, Tirunelveli) against the petitioner, seeking recovery of possession of the plaint second schedule property and for mandatory injunction to demolish the unauthorized construction in the plaint second schedule property, and for costs.

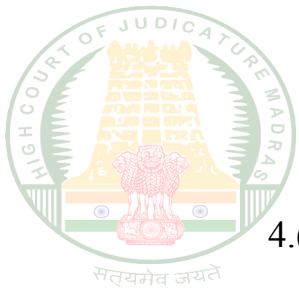
3. The learned counsel appearing for the petitioner would submit that the petitioner belongs to the Shafi section and the respondent belongs to the Hanafi section of Islamic region. It is admitted that over 200 years ago, a dispute arose between the petitioner's group and the respondent's group. Pursuant to the dispute, the petitioner's group purchased the suit property and constructed a mosque named "Mohaideen Andavar Pallivasal", which is situated in the second schedule property. The respondent / plaintiff has no manner of right over the said mosque or the land on which it stands. In the year 1956, a Wakf survey was conducted. During the said survey, the second schedule property was wrongly shown in the proforma report as belonging to the plaintiff, whereas, in



fact, Mohaideen Andavar Pallivasal was a separate mosque with a separate survey proforma. Survey No.219/2 is shown to belong to the Mohaideen Andavar Pallivasal. It is true that land acquisition proceedings were initiated in respect of a portion of the mosque property. However, the respondent / plaintiff, by misrepresenting the facts to the Land Acquisition Officer, falsely claimed compensation. It is contended that receipt of compensation would not create or transfer any right or title over the property in favour of the respondent.

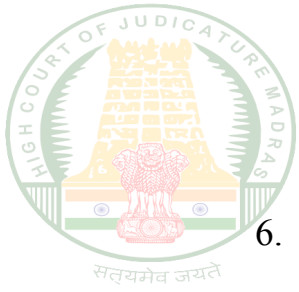
3.(i). The learned counsel appearing for the petitioner submits that he had duly purchased the property and had also obtained sanction from the Chief Executive Officer of the Wakf Board for reconstruction. However, the trial Court, without properly appreciating the documentary and factual aspects, had mechanically decreed the suit in favour of the respondent. Therefore, the petitioner prays for setting aside the decree.

4. Per contra, the learned counsel appearing for the respondent submits that it is true that there were historical disputes between the Shafi and Hanafi sects. While the petitioner belonged to the Shafi section, the respondent belonged to the Hanafi section. Though the property was originally purchased by the Shafi section nearly 200 years ago, subsequently, due to their inability to maintain the Wakf institution, the same was handed over to the respondent's section, which has since then been managing the Pallivasal, including the second schedule property.



4.(ii). The learned counsel appearing for the respondent would submit that the Wakf was duly surveyed, and in 1963, the legal heirs of Sulaikal Beevi, whose grandfather had the right to light the kuthuvilakku (traditional lamp) in the mosque, filed a petition before the Madurai Settlement Officer. After due inquiry, it was held that the property in question belonged to the respondent / plaintiff. In 1988, a portion of the suit property, being Survey No.218, was acquired by the Government. The compensation for the same was paid to the respondent / plaintiff. These events, including the acquisition and receipt of compensation, were never disputed by the petitioner. Further, it is submitted that one of the tenants in the property filed a suit regarding tenancy rights, and the Civil Court also confirmed the ownership of the respondent / plaintiff in that suit. The findings in the said civil proceedings were duly considered by the trial Court while granting relief to the respondent. Hence, the learned counsel prays for dismissal of the Civil Revision Petition.

5. It is not disputed that both parties belong to different sects of the Islamic faith and that historical disputes exist between them. However, the materials placed on record clearly establish that the property in question had come under the administration and control of the respondent's sect. The Wakf survey report, the order of the Settlement Officer in 1963, the land acquisition records, and the prior civil court findings all point towards the respondent's right over the second schedule property.



6. It is evident that the petitioner has not produced any conclusive evidence to show subsisting title or administration over the property. The mere claim of historical possession or construction of a mosque is not sufficient to establish legal right or title, especially in light of the contrary official and judicial records. The trial Court, after thorough consideration of the documents and evidence, has rightly granted the decree in favour of the respondent. There is no material irregularity or perversity in the judgment warranting interference under the revisional jurisdiction of this Court.

7. In view of the above discussion, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

02.07.2025

Internet:Yes/No

Index:Yes/No

TSG

To

1.The Waqf Tribunal, Tirunelveli (Principal Sub Judge, Tirunelveli).

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

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