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Tr.CMP No.786



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2026

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THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

TR CMP No. 786 of 2025

and

CMP No.18146 of 2025

In the matter of
Kundrathur Sunnath Jamath Mosque
Represented by its President
Janab Ahamed Khan,
Bazar Street, Kundrathur,
Chennai – 600 009.

...Petitioner(s)

Vs.

1.M.Mohamed Rafi

2.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffar Syrang Street,
Chennai – 600 001.

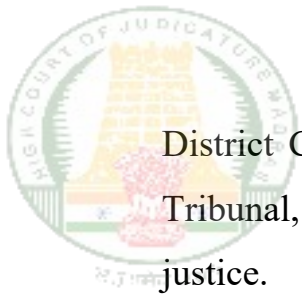
3.The Superintendent of Waqf,
Tamil Nadu Waqf Board,
No.1, Jaffar Syrang Street,
Chennai – 600 001.

4.The Inspector of Waqf,
Tamil Nadu Waqf Board,
No.1, Jaffar Syranj Street,
Chennai – 600 001.

...Respondent(s)

Prayer in Tr.CMP No.786 of 2025:

Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, pleased to withdraw the O.S.No.185 of 2025 on the file of the Principal



District Court at Kancheepuram and transfer the same to the Tamil Nadu Wakf Tribunal, Chennai which has jurisdiction over the suit property and thus render justice.

Prayer in CMP No.18146 of 2025: Petition filed under Section 151 of Code of Civil Procedure, pleaded to stay all further proceedings in O.S.No.185 of 2025 on the file of the Principal District Court at Kancheepuram pending disposal of the above Transfer Civil Miscellaneous Petition.

For Petitioner(s) : Mr.A.Raja Mohamed

For Respondent(s) : Mr.M.V.Seshchari for R1.
Mr.M.Fakkir Mohideen, Standing Counsel
for R2, R3 & R4.

ORDER

Heard.

2. This Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, seeking transfer of O.S. No. 185 of 2025 pending on the file of the Principal District Court, Kancheepuram, to the Tamil Nadu Wakf Tribunal, constituted under the Wakf Act, 1995.

3. The petitioner instituted the suit before the Principal District Court, Kancheepuram seeking reliefs relating to the suit schedule property, on the bona



vide belief that the property was a private property amenable to the jurisdiction of the civil court. During the pendency of the suit, it came to light that the suit property is a notified Wakf property, entered in the Wakf Register and governed by the provisions of the Wakf Act, 1995.

4. In view of the said development, it is contended that the civil court lacks jurisdiction to entertain or proceed with the suit, as disputes relating to Wakf properties are required to be adjudicated exclusively by the Wakf Tribunal under Sections 6, 7 and 83 of the Wakf Act, 1995, and hence the present transfer petition has been filed invoking, Section 24 (5) CPC.

5. The learned counsel appearing for the respondents fairly does not dispute the legal position that once the property is found to be Wakf property, the jurisdiction of the civil court is barred and the Wakf Tribunal alone is competent to adjudicate the dispute.

6. Section 24(5) CPC enables the High Court to transfer any suit or proceeding from a court which has no jurisdiction to a court which has competent jurisdiction. The provision is intended to prevent multiplicity of proceedings and to advance the cause of justice by preserving proceedings already instituted, subject



to jurisdictional competence.

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7. Under Section 85 of the Wakf Act, 1995, the jurisdiction of civil courts is expressly barred in respect of matters which the Wakf Tribunal is empowered to determine. Further, Section 83(1) of the Wakf Act mandates that any dispute, question or other matter relating to a Wakf or Wakf property shall be determined by the Wakf Tribunal.

8. Once the suit property is shown to be Wakf property, or proved that property is waqf property continuation of the proceedings before the Principal District Court, Kancheepuram would be without jurisdiction. However, the plaint need not be rejected nor the parties driven to institute a fresh proceeding, when the statute itself provides a mechanism for transfer of the proceedings to the competent forum.

9. This Court is therefore satisfied that this is a fit case for exercise of power under Section 24(5) CPC, to transfer the suit to the Wakf Tribunal having jurisdiction.



10. Accordingly, O.S. No. 185 of 2025 pending on the file of the Principal District Court, Kancheepuram, is withdrawn and transferred to the Tamil Nadu Wakf Tribunal, Chennai, to be renumbered and proceeded with in accordance with law.

11. It is made clear that all contentions of the parties on merits including to decide whether subject property is waqf property are left open to be urged before the Wakf Tribunal. The Wakf Tribunal shall proceed with the matter, subject to its procedure under the Wakf Act and Rules.

12. The Transfer Civil Miscellaneous Petition is allowed. No costs. Interim stay granted by this Court on 30.07.2025 shall stand vacated and CMP No.18146 of 2025 is closed.

27.01.2026

Index: Yes/No
Neutral Citation: Yes/No
Internet: Yes
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DR. A.D.MARIA CLETE

dsn

To

1. The Principal District Court, Kancheepuram.
2. The Tamil Nadu Wakf Tribunal, Chennai

TR CMP No.786 of 2025
and CMP No.18146 of 2025

27.01.2026