



WEB COPY

CRP No. 3865 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

CRP No. 3865 of 2017

Isbanthiyar Baig Mosque
Rep By Its Mutawalli,
S. Nagore Meeran,
S/o. Shamsudeen,
Sheikpet Shavadi Street,
Kancheepuram.

..Petitioner(s)

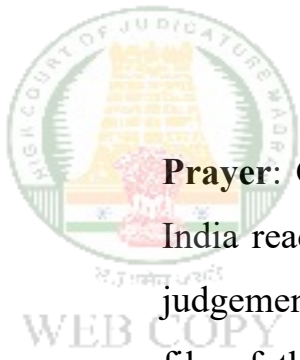
Vs

1. M.V. Laxminarasimma Sah(Died)
2. Samundeeswari Bai
3. Seetharam Sah
4. Janakiram Sah
5. Sreenivasan Sah

(Sole Respondent died. Respondents 2 to 5 brought on record as LR's of the deceased R-1 Viz. M.V.Laxminarasimma Sah vide court order dated.09/08/2023 made in CMP Nos.14853,14858 and 14860 of 2023 in CRP (NPD) No.3865 of 2017)

6. The Tamilnadu Wakf Board
Rep by its Chief Executive Officer,
No.1, Jaffer Syrang Street, Vallal Seethakathi
Nagar, Chennai -1.
(R-6 impleaded vide Court order dated 27/02/2024 made in CMP No.3400 of 2022 in CRP No.3865 of 2017)

..Respondent(s)



Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India read with Section 83(9) of the Waqf Act, 1995, praying to set aside the judgement and decree dated 26.06.2008 and made Wakf OS.No.45/2006 on the file of the Principal Sub Judge, Wakf Tribunal, Chengalpet, Kancheepuram District.

For Petitioner(s): Mr.N.A.Nassir Hussain

For Respondent(s): R1- Died

Mr.J.Ram
For Mr.M. Ramesh
(For R2 To R5)

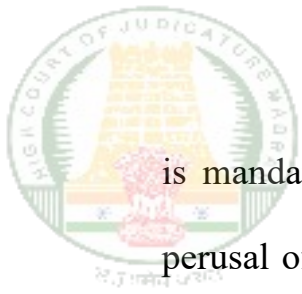
Mr. Avinash Wadhwani
(For R6)

ORDER

This Civil Revision Petition has been filed to set aside the judgement and decree dated 26.06.2008 and made Wakf OS.No.45 of 2006 on the file of the Principal Sub Judge, Waqf Tribunal, Chengalpet, Kancheepuram District.

2. Heard Mr.N.A.Nassir Hussain, learned counsel for the petitioner and Mr.J.Ram, representing Mr.M.Ramesh, learned counsel for respondents 2 to 5 and Mr.Avinash Wadhwani, learned counsel for the 6th respondent.

3.The present revision has been filed as against the judgment and decree made by the Waqf Tribunal as early as in the year 2008. A perusal of the plaint would indicate that the Waqf Board had not been made a party to the suit, which



is mandatory as per the provisions of Section 90 of the Waqf Act, 1995. A perusal of the judgment and decree does not also indicate that notice had been ordered by the Waqf Tribunal to the Waqf Board, as required under Section 90 of the Waqf Act.

4. In such view of the matter, the judgment and decree passed is contrary to the statutory mandates as required under the Waqf Act, 1995 and hence, the judgment and decree could only be termed as non est in law.

5. Accordingly, the judgment and decree dated 26.06.2008 made in Wakf OS.No.45 of 2006 on the file of the Principal Sub Judge, Waqf Tribunal, Chengalpet, Kancheepuram District stands set aside and this Civil Revision Petition stands allowed. Liberty to initiate appropriate proceedings on the cause of action, on which the suit in O.S.No.45 of 2006 had been filed is granted. No costs.

16-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

1. The learned Principal Sub Judge,
Wakf Tribunal,
Chengalpet, Kancheepuram District.

2. The Chief Executive Officer,
Tamilnadu Wakf Board
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai -1.



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K.KUMARESH BABU, J.

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