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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2026

CORAM:

THE HONOURABLE MS. JUSTICE P.T.ASHA

**REV.APLC(MD).No.254 of 2025**

**and**

**CMP(MD)No.19232 of 2025**

Jumma Big Mosque,  
(Sevalur Mosque),  
Katcheri Road, Manapparai,  
Trichy District.  
Represented by its President  
Mohamed Hanifa,  
S/o.Jamal Mohideen,  
No.82,18, Masthan Street,  
Manaparai Taluk,  
Manaparai, Tirchirappalli-621 306.

(\*Cause title accepted/amended vide court order  
dated 03.04.2025 made in CMP(MD)No.738 of 2025  
in Rev.Aplc(MD).SR.No.79949 of 2024 by PTAJ)  
Vs

...Petitioner

1.R.Doulath Hussain Khan  
2.The Tamil Nadu Wakf Board  
Represented by its Chief Executive Officer,  
Tamilnadu Wakf Board,  
Chennai.

... Respondents

**PRAYER:**

This Review application has been filed under Order 47 Rule 1 & 2 and U/Sec 114 of Code of Civil Procedure, praying to review the order passed by this Court dated 12.11.2019 in CRP(MD)No.443 of 2011.



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For Petitioner

: Mr.A.V.Arun

For Respondents

: Mr.I.Abdul Basith  
for M/s.Ajmal Associates for R1

### **ORDER**

This review application has been filed by the petitioner to review the order dated 12.11.2019 passed by this Court in CRP(MD)No.443 of 2011.

2. The aforesaid civil revision petition was filed challenging the order dated 13.09.2010 made in Wakf O.P.No. 4 of 2006 on the file of the learned Principal Subordinate Judge, Tiruchirappalli. The first respondent was constrained to approach the Wakf Tribunal on account of the fact that the above original petition was filed on the basis of the following facts which is also been set out in paragraph nos. 2 to 5 in CRP(MD)No.443 of 2011 and therefore, the facts are not been once again extracted herein.

3. The first respondent aggrieved by the fact that the second respondent Board which had recognized the fact that the Jumma Big Mosque and Kabarasthan were situate beside the Dargah and after recognizing the appointment of the Mutawalli as the Hereditary Mutawalli



of the Dargah, completely misdirected itself into rejecting the request of the petitioner to be appointed as the Mutawalli of the Kabarasthan and the Mosque as well. The defense of the Wakf Board was that the petitioner in the revision petition had not requested for such an appointment in his original petition, but, had chosen only to be appointed as the Mutawalli of the Dargah and consequently, argued that the petition has been rightly rejected by the Tribunal.

4. After considering the arguments of the counsels, this Court has passed the following orders in CRP (MD)No.443 of 2011:

*“15. From a perusal of Ex.A.1, it is clear that Wakf Board has recognized the fact that Wakf consists not only Dargah but also Kabrasthan and Mosque. However, the Board has recognized the succession to Muthavalliship as hereditary only with reference to the Dargah. The Board having recognized the petitioner as the Muthavalli in respect of one portion of the suit property has committed a grave error in rejecting the claim in respect of the other two structures namely Mosque and Kabrasthan. The Wakf Board has further committed a grave mistake in totally ousting the petitioner from the management of Kabrasthan and Mosque totally ignoring the fact that he is descendant of the original ancestor and therefore, the person, having an interest in the suit property as well as structures upkeep thereupon. By entrusting the management to a committee consisting of persons belonging to a different Wakf, the Board has in effect set at naught the original Wakf by restricting it only to Dargah when they have themselves recognized the rights of the Wakf to the Kabrasthan and the Mosque. If the Board had felt that the petitioner is not acting on the interest of the Wakf, they could have removed him from Muthavalliship instead of him bringing in person of the different Wakf to manage the petitioner's Wakf. Therefore, the order passed by the Tribunal below requires to be interfered with and*



accordingly the same is set aside.

*16. However, this Court has taken note of the submissions made by the learned counsel appearing for the Wakf Board that the petitioner should be put on notice that he shall maintain Kabrasthan and the Dargah in a good state by upkeep and maintenance and also render accounts to the Board as and when requested. In the event of failure on the part of the petitioner to comply with the above directions, it is well open to the Board to take further action."*

5. Now, the applicant has come forward with this review application and once again, the argument that is made is that in the original petition, the petitioner has only sought to be appointed as the Mutawalli of Dargah and this fact had been suppressed by him in the civil revision petition and therefore, the order has to be reviewed.

6. Heard both sides and perused the materials available on record.

7. As cited *supra*, the argument of the Board was also similar to the one now canvassed by the applicant and the said argument has been rejected on merits after hearing either side. The second respondent was not heard since they had not chosen to proceed with the proceedings in the Wakf O.P.No.4 of 2006 and therefore, they had been given up. However, since they have come forward with this Review and the Court has noticed



that orders are passed without hearing the applicant, the applicant was permitted to argue the Revision itself.

8. From the orders which is the subject matter of review, it is to be noted that the only request that has been made by the learned counsel for the Wakf Board was that the petitioner in the revision petition should maintain the Kabarasthan and Dargah in a good state of upkeep and maintenance and also render accounts to the Board. This submission was recorded and this Court had also proceeded to hold that in the event of a failure on the part of the petitioner to comply with the above directions, it is well open to the first respondent to take further action against the petitioner therein.

9. It is only when the applicant is able to show that the order suffers from an error apparent on the face of the record or that some facts unknown earlier or the documents unknown to the petitioner were now made available, that the review application can be sought for. But, in the case in hand, no such reasons has been made out and on the contrary, the order has been challenged on merits and the arguments which has been rejected earlier is sought to be canvassed once again.



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Accordingly, this Review application stands dismissed. No costs.

Consequently, connected miscellaneous petition stands closed.

**11.02.2026**

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

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**P.T.ASHA, J.**

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