



CRP(MD). No.3711 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 07/01/2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

CRP(MD). No.3711 of 2025
and
C.M.P(MD) Nos.19567 of 2025

Jeenath Beevi

... Petitioner

Vs

1. Tamil Nadu Wakf Board,
Through its Secretary,
No.3, Santhom High Road,
Chennai - 4.

2. Emaneshwaram Pallivasal,
Through its Secretary,
Emaneshwaram,
Paramakudi Town,
Ramanathapuram District.

3. The Commissioner,
Paramakudi Municipality,
Paramakudi,
Ramanathapuram District.

K.R.Kuppammal (Died)

... Respondents

PRAYER :- Civil Revision Petition filed under Article 227 of the



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Constitution of India to allow the revision and set aside the order dated 10.10.2025 made in A.S.No.28/2015 on the file of the Subordinate Court, Paramakudi.

For Petitioner : Mr.PT.S.Narendravasan,
Advocate.

For R1 : Mr.K.Jeyamohan
Standing Counsel

For R2 : Mr.H.Jasima Yasmin
for M/s.Ajmal Associates

ORDER

The civil revision petition has been filed to set aside the order dated 10.10.2025 made in A.S.No.28/2015 on the file of the Subordinate Court, Paramakudi.

2.The learned counsel for the revision petitioner vehemently contended the Appellate Court, without giving any notice or opportunity to the parties, suo motu transferred the appeal papers to the Wakf Tribunal on the question jurisdiction. Therefore, the order passed by the Appellate Court is liable to be set aside.

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3.Per contra, the learned counsel for the second respondent would submit that when the Court passes an order suo motu, the question of issuing notice to the revision petitioner does not arise. He would further submit that the dispute relates to wakf property and any person having a dispute related to wakf or wakf property must, in the first instance, raise it before the Wakf Tribunal. Therefore, the order passed by the Appellate Court does not warrant interference. In support of his contention he relied upon the judgment of the Hon'ble Supreme Court reported in **(2010) 14 SCC 588**, in the case of **Board of Wakf, West Bengal and another Vs Anis Fatma Begum and another**. The relevant portions of the said judgment are extracted hereunder:-

7.The dispute in the present case relates to a Wakf. . In our opinion, all matters pertaining to Wakfs should be filed in the first instance before the Wakf Tribunal constituted under [Section 83](#) of the Wakf Act, 1995 and should not be entertained by the Civil Court or by the High Court straightaway under [Article 226](#) of the Constitution of India. It may be mentioned that the [Wakf Act, 1995](#) is a recent parliamentary statute which has constituted a special Tribunal for deciding disputes relating to Wakfs. The obvious purpose of constituting



such a Tribunal was that a lot of cases relating to Wakfs were being filed in the courts in India and they were occupying a lot of time of all the Courts in the country, which resulted in increase in pendency of cases in the Courts. Hence, a special Tribunal has been constituted for deciding such matters.

10. Thus, the Wakf Tribunal can decide all disputes, questions or other matters relating to a Wakf or Wakf property. The words "any dispute, question or other matters relating to a Wakf or Wakf property" are, in our opinion, words of very wide connotation. Any dispute, question or other matters whatsoever and in whatever manner which arises relating to a Wakf or Wakf property can be decided by the Wakf Tribunal. The word 'Wakf' has been defined in [Section 3 \(r\)](#) of the Wakf Act, 1995 and hence once the property is found to be a Wakf property as defined in [Section 3 \(r\)](#), then any dispute, question or other matter relating to it should be agitated before the Wakf Tribunal.

11. Under [Section 83 \(5\)](#) of the Wakf Act, 1995 the Tribunal has all powers of the Civil Court under [the Code of Civil Procedure](#), and hence it has also powers under Order 39 Rules 1, 2 and 2A [of the Code of Civil Procedure](#) to grant temporary injunctions and enforce such injunctions. Hence, a full-fledged remedy is



available to any party if there is any dispute, question or other matter relating to a Wakf or Wakf property.

12. We may further clarify that the party can approach the Wakf Tribunal, even if no order has been passed under the Act, against which he/she is aggrieved. It may be mentioned that [Sections 83 \(1\)](#) and [84](#) of the Act do not confine the jurisdiction of the Wakf Tribunal to the determination of the correctness or otherwise of an order passed under the Act. No doubt [Section 83 \(2\)](#) refers to the orders passed under the Act, but, in our opinion, [Sections 83 \(1\)](#) and [84](#) of the Act are independent provisions, and they do not require an order to be passed under the Act before invoking the jurisdiction of the Wakf Tribunal. Hence, it cannot be said that a party can approach the Wakf Tribunal only against an order passed under the Act. In our opinion, even if no order has been passed under the Act, the party can approach the Wakf Tribunal for the determination of any dispute, question or other matters relating to a Wakf or Wakf property, as the plain language of [Sections 83 \(1\)](#) and [84](#) indicates.

4.The disputes relating to wakf or wakf property have to be raised in the first instance before the Wakf Tribunal. In view of the settled legal



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position, the Appellate Court is entitled to transfer the proceedings to the Wakf Tribunal suo motu and the same cannot be adjudicated for want of merits. Accordingly, this civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

07.01.2026

NCC : yes / no
Index : yes / no
Internet : yes / no
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TO

The Subordinate Judge,
Paramakudi.



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N.SENTHILKUMAR,J

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