

IN THE COURT OF THE DISTRICT MUNSIF, PONNERI.

PRESENT: Selvi.A.Keerthana, B.A., L.L.B.,

District Munsif, Ponneri.

Monday, the 01st day of December 2025.

IA No.1 OF 2025

in

O.S. NO.77 OF 2024

Masjid-e-Ayesha Madrasa e Islamia

The Muslim Committee, Rep. by its PresidentPetitioner/1st Defendant

Versus

1. A.K.Jayakumar 1st Respondent/Plaintiff

2. D.Chandrasekar 2nd Respondent/2nd Defendant

This petition came before me on 15.10.2025 for final hearing in the presence of Mr.N.Abdul Samath and Mr.U.Asalam, learned counsel for the petitioner/1st defendant, Mr.N.Sivakumar, learned counsel for the 1st Respondent/plaintiff. The 2nd Respondent has already been set ex parte in the suit; hence, notice to him has been dispensed with in this petition. Upon hearing the arguments made by the learned counsels for the petitioners and the 1st respondent and on perusal of the material case records, this Petition having stood over for consideration till this day, this Court delivers the following

ORDER

1. This application has been filed under Order VII Rule 11 of Civil Procedure Code to reject the plaint.

2. Brief averments of the affidavit filed by the petitioner are as follows:

2.1. The petitioner herein is the 1st defendant in the suit. The suit property is relating to the waqf property which the plaintiff is admitted, the relief claimed by the plaintiff should be entertained only by the waqf Tribunal as the civil suit is barred under section 85 of waqf act. Therefore, the present suit should be tried only before the Waqf Tribunal and hence it is not maintainable before this court. The suit property was rented to the plaintiff for carrying out flower show but as per the lease agreement entered between the plaintiff and 1st defendant. The fact remains that the petitioner mosque had rented the suit property to the plaintiff but first petitioner/plaintiff without the consent of the 1st defendant and violation of the lease agreement entered between the 1st defendant the pleasure, had sublet the suit premises to the 2nd defendant on his own will. The 1st defendant had mutated all the revenue record in his name and attempted the grab property. Hence the 1st defendant mosque based upon violation of the least agreement and wrongful usage of the suit property, after issue proper notice to the plaintiff on 17.02.2024 had terminated the tenancy.

2.2. The Superintendent of Waqf Board, Ponnammallee had inspected the property and on verification it is proved that the plaintiff had sublet the suit property to the defendant, the superintendent of waqf board served notice to the plaintiff and thereafter sealed the suit property. Further the rental agreement was lapsed and hence the 1st respondent/plaintiff had received the advance amount as cash from the mosque and handed over the keys of the suit premises to the 1st defendant mosque by executing a letter dated 22.02.2024. Only the waqf tribunal has to decide the rights of the parties involved in the waqf property. Therefore, the suit is not maintainable before this court. Hence this petition.

3. Brief averments of the counter filed by the 1st Respondent are as follows:

3.1. The respondents submit that the lease arrangement pertains exclusively to the land, wherein the respondent/plaintiff, at his own cost and through independent means, erected a permanent structure and has been in continuous and peaceful possession and enjoyment of the same. The respondent/plaintiff has consistently paid the monthly rents to the petitioner/1st defendant, the most recent of which was paid on 10.02.2024. Owing to the deteriorating health condition of the 1st respondent/plaintiff, including a cancer diagnosis and serious cardiac complications, he was constrained to sublet the suit premises in the year 2018 to the 2nd defendant. The subletting was effected with the full knowledge, acquiescence, and consent of the petitioner/1st defendant. The petitioner/1st defendant through his agent one Mr.Nagoor Hanifa, accompanied by several unidentified persons, unlawfully and high-handedly dispossessed the 1st respondent/plaintiff from the suit property.

3.2. In furtherance of a premediated collusion between the petitioner/1st defendant and the 2nd defendant, the structure previously constructed by the respondent/plaintiff on the suit land was unlawfully demolished, and new construction activity was initiated under the supervision and active involvement of the 2nd defendant. The 1st respondent/plaintiff having lodged formal complaints with the jurisdictional police authorities as well as the appropriate officials of the Waqf Board, including the Superintendant concerned, no effective relief of remedial action was extended to him. The unlawful dispossession of the respondent/plaintiff was carried out in complete contravention of established legal procedure, without obtaining any eviction order from a competent forum. The 1st

respondent/plaintiff has filed the present suit under Section 6(1) of the Specific Relief Act, 1963, seeking recovery of possession based on unlawful dispossession, irrespective of title. The suit has been filed within the prescribed six-month period under Section 6(2) and is not barred by Section 86 of the Waqf Act, as the relief sought pertains to illegal dispossession, over which the civil court retains jurisdiction. Therefore, the respondent prays for the dismissal of this petition.

4. Evidence :

Neither the petitioner nor the respondents have placed any oral or documentary evidence before this court.

5. Point for determination :

Whether this petition can be allowed or not.

6. Discussion and Findings :

6.1. Heard and records have been carefully perused. The present petition has been filed by the petitioner/1st defendant seeking rejection of the plaint on the ground that the suit is barred under Section 85 of the Waqf Act, as the dispute in question falls within the jurisdiction of the Waqf Tribunal. The present suit, however, has been instituted under Section 6(1) of the Specific Relief Act, 1963, which provides as follows:

“No civil court shall have jurisdiction to deal with or decide any question or dispute which the Waqf Tribunal is empowered to determine under this Act.”

This provision establishes a statutory bar on the jurisdiction of civil courts in matters expressly entrusted to the Waqf Tribunal. Before examining any other

aspect, the foremost question that arises for determination is whether the relief sought in the present suit falls within the exclusive jurisdiction of a Waqf Tribunal or can be adjudicated by a civil court, whether the suit property qualifies as Waqf property, and consequently, whether the plaint is liable to be rejected.

6.2. To address these issues, the counsel for the petitioner/1st defendant has relied upon the decision of *Rashid Wali Beg v. Fareed Pindari, Civil Appeal No. 6336 of 2021, decided on 28.10.2021 by the Hon'ble Supreme Court*, wherein it was observed that even matters such as eviction of tenants or determination of the rights and obligations of lessors and lessees of Waqf property fall within the jurisdiction of the Waqf Tribunal. However, upon careful perusal of the cited authority, it is apparent that the relief sought therein pertained specifically to claims for permanent and mandatory injunctions. In that context, the Hon'ble Supreme Court ultimately held as follows:

“In the case on hand, the property is admitted to be a waqf property. Therefore, to allow the plaintiff to ignore the waqf tribunal and to seek a decree of permanent injunction and mandatory injunction from a civil court, would be ignore the mandate of section 83 and section 85 which speak of any dispute, question or other matter relating to a waqf or a waqf property.”

Applying the foregoing principle to the facts of the present case, it is evident that the property in question is not admitted to be a Waqf property, nor has the suit been instituted seeking relief in the nature of an injunction. Consequently, the precedent cited by the petitioner cannot be applied to the present matter.

6.3. Further, the counsel for the petitioner has relied upon the decision in *Punjab Waqf Board v. Sham Singh Harike*, AIR ONLINE 2019 SC 1684. Upon examination of the said authority, it is observed that the facts of that case involved a suit filed by the Waqf Board seeking possession of a property along with consequential relief of injunction, which was adjudicated before the Waqf Tribunal. In that context, the Hon'ble Supreme Court, relying upon the judgment in *Ramesh Gobindram*, upheld the revision petition filed by the defendant and directed that the plaint, along with its documents, be presented before the appropriate civil court. In the present matter, however, it is unclear how the cited authority would support the petitioner's contention, as the factual matrix and relief sought here are entirely distinguishable from those considered in the said decision.

6.4. On the other hand, the counsel for the respondent/plaintiff has relied upon the decision in *Lalkhanpallivasal v. Shahinsha Akhaja Mainudeen*, CRP (PD) No. 813 of 2023, dated 31.07.2024. This Court has carefully examined the order passed by the Hon'ble Madras High Court in the aforementioned case, wherein a factual scenario analogous to the present matter was considered. It was categorically observed in that decision that the jurisdiction of the Waqf Tribunal is limited and circumscribed, whereas the civil court possesses plenary jurisdiction to adjudicate disputes of the nature presently before this Court. The relevant observation from the cited authority is extracted hereunder for ready reference:

“the purpose for which the Wakf Act, 1995 had been enacted was to confer jurisdiction on the Wakf Tribunal to deal with any dispute, question or other matters relating to Wakf of Wakf property, and also to verify whether the property

is Wakf property or not. It is not conferred with the powers to deal with situations of forcible dispossession.....

the plaintiff had been forcibly dispossessed and hence, he has invoked the jurisdiction under Section 6 of the Specific Relief Act, and this power is conferred only on the civil Court.....

While dealing with an application for rejection of plaint, I am concerned only with the averments made in the plaint and the plaint alone. I am not entitled to look into the defendants' written statement or the documents that had been presented by the defendants for the perusal of the Court. With this legal aspect in mind, I proceed to discuss the merits of the case.

The power of the Wakf Tribunal is limited, whereas, the jurisdiction of the civil Court is plenary. Reference made by the learned counsel to Section 83(5) of the Wakf Act stating that the Wakf Tribunal is also deemed to be a civil Court, and therefore, it possess the power under Section 6 of the Specific Relief Act is unfounded.

The Wakf Tribunal cannot be a substitute for a regular civil Court. The power under Section 6 of the Specific Relief Act not having been conferred on the Wakf Tribunal, the submissions of the learned counsel for the civil revision petitioner are misplaced.”

6.5. On a holistic consideration of the foregoing analysis, it is evident that the scope of Section 6 of the Specific Relief Act, 1963, is limited to situations where a party has been forcibly dispossessed, and it does not extend to questions of title or the determination of whether the suit property constitutes Waqf property. It is a

well-settled proposition of law that, in adjudicating an application for rejection of the plaint under Order VII, Rule 11 of the Code of Civil Procedure, 1908, the court is confined to examining only the plaint and the documents annexed thereto, without delving into the merits of the case. This principle has been consistently recognized in *State Bank of India v. S.K. Sharma*, (2001) 1 SCC 271, wherein it was held:

“In considering an application for rejection of plaint under Order VII, Rule 11 CPC, the court is to look at the plaint and the documents annexed thereto, and not at the merits of the case.”

6.6. Applying these principles to the present matter, the plaint averments indicate that the plaintiff was allegedly dispossessed forcefully on 28.02.2024, and the present suit was instituted on 30.07.2024, clearly within six months of the alleged dispossession, and therefore, well within the period of limitation. Reliance on the decision in *Lalkhanpallivasal v. Shahinsha Akhaja Mainudeen*, CRP (PD) No. 813 of 2023, dated 31.07.2024, further fortifies that the civil court retains plenary jurisdiction to entertain a claim under Section 6 of the Specific Relief Act, and the limited jurisdiction of the Waqf Tribunal cannot oust the civil court's competence in matters of forcible dispossession.

6.7. Given the above factual and legal matrix, this Court finds no merit in the petitioner's contention seeking rejection of the plaint. The allegations of dispossession, timely institution of the suit, and compliance with the statutory period of limitation collectively establish the maintainability of the plaint. Accordingly, the petition is dismissed, with no order as to costs.

7. **Result:**

In the result, this Petition is dismissed. No costs.

Dictated by me to the stenographer, directly typed by her in her desktop, corrected and pronounced by me in the open court on this the 01st day of December 2025.

DISTRICT MUNSIF
PONNERI

Both side witnesses and documents:- NIL

DISTRICT MUNSIF
PONNERI

Fair/ Draft Order
I.A.No.1/2025
O.S.No.77/2024
Date:01.12.2025
DMC,PNI.