

ITEM NO.7+13

COURT NO.3

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 31959-31961/2018

(Arising out of impugned final judgment and order dated 08-06-2018 in CRPPD No. 938/2010 08-06-2018 in WP No. 7809/2010 08-06-2018 in WA No. 1640/2016 passed by the High Court Of Judicature At Madras)

NAGORE DARGAH NAGORE REP. BY ITS TRUSTEES & ORS. Petitioner(s)

VERSUS

TAMIL NADU WAKF BOARD & ORS.

Respondent(s)

(IA No. 3954/2020 - CLARIFICATION/DIRECTION, IA No. 28181/2019 - CLARIFICATION/DIRECTION, IA No. 35852/2020 - CLARIFICATION/DIRECTION, IA No. 163187/2018 - EXEMPTION FROM FILING O.T., IA No. 38351/2020 - INTERVENTION/IMPLEADMENT, IA No. 8238/2020 - WITHDRAWAL OF CASE / APPLICATION)

WITH

Diary No(s). 3638/2021 (XII)

SLP(C) No. 10929/2019 (XII)

(IA No. 63085/2019 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 6406-6407/2021 (XII)

(FOR ADMISSION and I.R. and IA No.55984/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s). 27758/2021 (XII)

Diary No(s). 12467/2022 (XII)

(FOR ADMISSION and I.R. and IA No.64845/2022-CONDONATION OF DELAY IN FILING and IA No.64846/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.64843/2022-PERMISSION TO FILE PETITION (SLP/TP/WP/..) and IA No.64847/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 8112/2022 (XII)

(IA No.64958/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s). 12613/2022 (XII)

(IA No.65278/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.65275/2022-PERMISSION TO FILE PETITION (SLP/TP/WP/..))

Diary No. 22120 of 2022

(IA No. 99508/2022 - CONDONATION OF DELAY IN FILING, IA No. 99510/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 99511/2022 - EXEMPTION FROM FILING O.T., IA No. 99509/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA No. 99507/2022 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))

Date : 21-07-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s) Mr. V.Vasudevan, Adv.
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 Mrs. Sudha Gupta, AOR
 Mr. Shantna Devi Raman, Adv.
 Mr. Garvesh Kabra, AOR
 Mr. Arihant Jain, Adv.

UPON hearing the counsel the Court made the following
 O R D E R

SLP(C) Nos. 31959-31961 of 2018, Diary Nos. 3638 and 27758 of 2021

List these matters on 18.08.2022.

SLP(C) Nos. 10929 of 2019, 6406-6407 of 2021 and Diary No. 12613 of 2022

Delay condoned.

Permission to file special leave petition is granted.

Learned counsel for the petitioner(s), in all fairness, submit that in the backdrop of the outcome of mediation and settlement arrived at between the parties, these petitions have become infructuous.

According, these petitions are dismissed as infructuous.

Diary No. 12467 of 2022

Delay condoned.

Permission to file special leave petition is granted.

This petition questions the order passed by the learned Single Judge declining to initiate contempt action.

The grievance of the petitioner essentially is that the

observations made in the impugned judgment and order are in the nature of deciding matters beyond the scope of contempt jurisdiction and, in particular, affecting the claim set forth by the petitioner in the suit filed before the sub-Court, Nagapattinam being O.S. No. 26 of 2016.

As regards the operative order passed by the High Court concluding that no contempt action need to be initiated, we decline to interfere with the same. The special leave petition and IAs are dismissed accordingly.

However, we clarify that the observations made in the impugned judgment and order cannot be taken as binding on the parties in the substantive proceedings pending before the Civil Court or to be resorted to by third parties before the appropriate forum.

All contentions available to the concerned parties are left open.

In addition, we direct the sub-Court, Nagapattinam to expedite the hearing of the stated suit, which will put quietus to the entire controversy concerning Nagore Durgah trust.

SLP(C) No. 8112 of 2022

This special leave petition is devoid of merits. We agree with the High Court that no letters patent appeal can be maintained against the order passed by the Single Judge in

exercise of contempt jurisdiction.

The special leave petition is dismissed accordingly.

Pending applications, if any, stand disposed of.

Diary No. 22120 of 2022

Application seeking permission to file special leave petition is rejected with observation that if the petitioner resorts to any substantive proceedings, including suit for declaration, the same be decided on its own merits and in accordance with law uninfluenced by the observations made in the impugned judgment.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
ASSISTANT REGISTRAR