



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 18023 of 2021
and
W.M.P. No. 19258 of 2021

1. J. Krishnasamy
2. J. Thangavelu
3. J. Dhanasekar
4. J. VenuGopal

.. Petitioners

Versus

1. The Chairman
Tamil Nadu Wakf Board
No:1, Jaffer Syrang Street
Vallal Seethakathi Nagar
Chennai - 600001
2. The Chief Executive Officer
Tamil Nadu Wakf Board
No:1, Jaffer Syrang Street
Vallal Seethakathi Nagar
Chennai - 600001

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent to consider the representation given by the petitioners on 30.03.2021

For Petitioner : Mr. A.K.T. Mohammed Kaliffathulla

O R D E R

The present writ petition has been filed praying to issue a Writ of Mandamus directing the second respondent to consider the representation given by the petitioners on 30.03.2021.



2. The petitioners submit that the property bearing No.13, Mosque Street, Poonamallee, Chennai measuring 1519 square feet belongs to Poonamallee Big Mosque Wakf which was originally leased out to one Mrs. Hameeda Bevi by the Poonamalle Big mosque during the year 1973. After the demise of Hameeda Bevi, her husband Mr. Mohammed yousuf had sub-let the said property to the petitioners' father late Mr. Jagadeesan Naicker where he was running a bakery shop in the name V.J. Bakery. It is the contention of the petitioners that their father was unaware that the property is wakf property. While so, on 03-05-2019, the then President of Poonamalle Big Mosque issued notice to Hameeda Beevi, Mohammed Yousuf and the petitioners father to pay the arrears of rent from the period from 2008 and to handover the vacant possession of the property to the Wakf within 7 days. The petitioners father approached the Wakf Board and paid the arrears of rent at the rate of Rs.1519/-, the security deposit of Rs. 15190/- and Rs.3,98,000./- towards construction of mosque for which proper receipt had been issued by the mosque committee. Further, on 20-06-2019, new rental agreement was executed in favour of the petitioners' father. Even during the life time of the petitioner's father, he had given a No Objection letter in favour of the fourth petitioner herein to carry on the bakery business. While so, on 07.07.2019 the petitioners' father passed away and the bakery business was carried on by the petitioners. At this stage, the lease deed expired on 19-05-2020 and the petitioners requested the respondents to extend the lease in their favour. Even after expiry of the lease, the petitioners have been paying the monthly rent till 30.03.2021. While paying the rent, on 30.03.2021, the petitioners also submitted a representation for extension for lease deed before the second respondent, but the representation has not been considered and orders passed thereon. Hence, the petitioners have filed the present writ petition for the relief stated supra.

4. Heard the learned counsel for the petitioner and perused the materials placed on record.

5. It is stated that even after expiry of the lease deed on 19.05.2020, the petitioners are in possession of the property in question and continuing the bakery business by periodically remitting the lease rent to the respondents. Taking note of the above, this court directs second respondent herein to consider



the petitioners' representation dated 30-03-2021, afford an opportunity to the petitioners and thereafter pass an order of merits and in accordance with law within a period of eight weeks on receipt of copy of this order.

6. Subject to the above directions, this Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar

dhk/rsh

To

1. The Chairman
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No:1, Jaffer Syrang Street
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Chennai - 600001
2. The Chief Executive Officer
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WP No.18023 of 2021

VG II(CO)
B.VC (13/10/2021)