



WP.No.34784 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

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WMP.Nos.34204 & 34205 of 2022

1. Abdul Salam
Selection Readymade and Saress,
No.81, Durugam Road,Kallakurichi Town, Taluk District.
2. Mohamed Ameenudeen
M/s.Mummy Dady Readymades,
No.8, Salem Main Road, Kallkurichi Town, Taluk District.
3. P.Saravanan,
M/s.Sarvana Hotel,
No.6, Salem Main Road, Kallkurichi District.
4. N.Venkatraman,
M/s.Pavala Maligai,
No.9, Salem Main Road, KallakurichiTown, Taluk and District.
5. P.Murali,
Pandu Bakery,
No.77, Duruam Road, Kallakurichi Town, Taluk and District.
6. A.Jamal Mohameed
Rahman Textiles,
No.77 Durugam Road, Kallakurichi Town, Taluk and District.



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7. S.Anwardeen

M/s.Thangam Electricals,

No.78-A, Durugam Road, Kallkurichi Town, Taluk and District.

8. O.A.Abdul Fathah

M/s.Bottom Shoe Mart,

No.77, Durugam Road, Kallakurichi Town, Taluk and District.

9. A.Kja Nizam Mohideen,

M/s.Salem Steel Corporation,

No.73/c, Durugam Road, Kallakurichi Town, Taluk and District.

10. O.A.Khaleelur Rahman,

M/s.Sangam Readymades,

No.84 B, Durugam Road, Kallakurichi Town, Taluk and District.

11. Y.Ali Askar,

M/s.New Shafi Engine Spares,

No.73B, Durugam Road, Kallakurichi Town, Taluk and District.

12. A.Amanullah,

Supreme Shoe Mart,

No.73, Durugam Road, Kallakurichi Town, Taluk and District.

13. Abbas Ali

M/s.Shabnam Readymades,

No.78, Durugam Road, Kallakurichi Town, Taluk and District.

14. S.H.Hussain Mohideen,

M/s.Kavitha Watch Palance,

No.74, Durugam Road, Kallakurichi Town, Taluk and District.

... Petitioners

Vs

1. The Tamil Nadu Waqf Board,

Rep. by its Chairman,



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- No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai – 600 001.
2. The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai – 600 001.
3. The Superintendent of Waqf,
CuddaloreZone, No.512, Gandhi Road, Panruti.
4. The Jumma Pallivasal Waqf,
Rep. by its Muthawalli,
Jumma Pallivasal, Durugam Road,
Kallakurichi Town, Taluk and District.

... Respondents

Prayer:- Writ Petition filed under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the first respondent to conduct an enquiry and thereby fix a fair rent in accordance with Waqf Properties Lease Rules 2014 and Circular dated 09.10.2020 based on the representation dated 23.08.2022 given by the petitioners within a stipulated time.

For Petitioners : Mr.A.Shanmugapriya

For Respondents : Mr.R.Abdul Mubeen – R1 to R3

ORDER

This Writ Petition is filed to direct the the first respondent to conduct an enquiry and thereby fix a fair rent in accordance with Waqf Properties



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Lease Rules 2014 and Circular dated 09.10.2020 based on the representation dated 23.08.2022 given by the petitioners within a stipulated time.

2. The grievance of the petitioners is that the petitioners are running different business in the premises for more than 25 years by taking the vacant site of the property on floor rent basis from the erstwhile management and they built and modified the superstructure at their own costs and they had been paying the rent regularly without fail till date. The first respondent passed an Order by fixing the fair rent without following due process of law or giving reasonable opportunity to the petitioners. Hence, the present Writ Petition has been filed seeking aforesaid relief.

3. Heard Ms.A.Shanmugapriya, learned counsel appearing for the petitioners and Mr.R.Abdul Mubeen appearing for the respondents 1 to 3.

4. According to the petitioners, fair rent has been fixed in the year 2013 itself and a communication dated 27.06.2022 is also brought to the notice of this Court. It is also submitted that as the rent has not been paid,



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statutory notice has been issued by the Estate Officer. Only after receipt of the notice, the Writ Petition has been filed for fixing fair rent. The fair rent proceedings has already been initiated under the Wakf Act and fixed in the year 2013 itself. Notice has also been issued by the Wakf Board on 05.12.2022. As a matter of right, now there cannot be any direction. In such view of the matter, it is for the petitioners to give a proper reply and agitate the same before the estate officer, in the event any action is initiated.

5. With the above observation, this Writ Petition is dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

23.12.2022

vrc

To

1. The Tamil Nadu Waqf Board,
Rep. by its Chairman,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai – 600 001.
2. The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai – 600 001.



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3. The Superintendent of Waqf,
Cuddalore Zone, No.512, Gandhi Road, Panruti.



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