



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.07.2023

CORAM

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

C.R.P.No.1635 of 2018

and

C.M.P.No.8820 of 2018

Mrs.Haseena Bivi

...Petitioner

Vs.

1.The Estate Officer

Under the Tamil Nadu Public Premises,
(Eviction of Unauthorized Occupants) Act, 1975,
“Wakf House”, No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai – 600 002.

2.Hazrath Neelam Basha Dargah & Masjid Wakf,

Represented by its Hereditary Muthawalli,

G.Gulab Ali Sha Khaderi,

No.65, Neelam Basha Dargah, Dr.Besant Road,

Ice House, Triplicane, Chennai – 600 005.

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the
Constitution of India to allow this Civil Revision Petition, to set aside the



order of the 1st respondent dated 26.07.2017 in Case No.PPNo.27/CHE/2016 as confirmed by the judgment and decree dated 19/03/2018 and made in CMA No.65/17 on the file of the Principal Judge City Civil Court, Chennai. For Petitioner :

Mr.N.A.Nissar Ahmed

For Respondents :

For R1 : Mr.Mohideen Gisleri

For R2 : Mr.K.Sasindran

ORDER

Mrs.Haseena Bivi is present, so is Mr.Gulab Basha Gous Basha. The parties have entered into a compromise and have reduced the terms of compromise by way of memo of understanding which reads as under:-

TERMS AND CONDITIONS

“1.The Petitioner/Tenant Agreed to pay a sum of Rs.4,00,000 (Rupees Four Lakhs Only) to the 2nd Respondent/Wakf towards arrears of rent from January 2010 to June 2023.

2. The parties agreed that the 2nd respondent/Wakf is entitle to withdraw a sum of Rs. 75,000 (Rupees Seventy Five Thousand) deposited by the Petitioner by virtue of Interim Order passed in the above case which is lying in this Hon'ble court as part of rental arrears. The Petitioner has no objection for withdrawal of said amount by the 2nd Respondent/Wakf.

3. The petitioner/Tenant today i.e 12.07.2023 paid a sum of Rs.3,25,000 (Rupees Three Lakhs Twenty Five Thousand only) to the 2nd Respondent/Wakf towards the balance arrears of rent amount.



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The 2nd Respondent /wakf hereby acknowledge the receipt of the same.

4. The petitioner/tenant today 12.07.2023 paid a sum of Rs. 1,00,000/- (Rupees One Lakh only) to the 2nd respondent/Wakf by way of cash as security deposit for lease of the subject property. The said amount will be refunded only at the time of vacating the premises after deducting the arrears if any.

5. The petitioner/ tenant agreed to pay a sum of Rs.10,000/- (Rupees Ten Thousand) per month as rent for occupying the subject property & same has to be paid on or before 5th day of every English calendar month.

6. The parties agreed that if the Petitioner/tenant failed to pay the monthly rent as mentioned above for three consecutive months, then the tenancy in favour of the petitioner will automatically terminated without any notice and the 2nd Respondent/Wakf is at liberty to evict the petitioner/responden treating him as unauthorised occupant under the provisions of Tamil Nad Public (Eviction of unauthorised occupants) Act 1975.

7. The Parties agreed to enter into a separate Rental Agreemen incorporating the conditions of lease apart from the conditions stipulated this memo.

It is respectfully prayed that this Hon'ble Court may be pleased to record this joint Memo of compromise and dispose of the above C.R.P. No. 1635 of 2018 in terms of this compromise memo and thus render justice."

2. I do not find anything irregular or illegal in the memo of compromise. The tenant has agreed to pay arrears of rent and to continue to pay the rent @ 10,000/- per month on or before 5th of every calendar month.

It has also been stated that in case there is any default, proceedings can be



initiated under the provisions of The Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975.

3. The memo of compromise is recorded. It shall form a part of

V. LAKSHMINARAYANAN, J.

nst

decree and the office is directed to draw a decree in terms thereof. The Civil Revision Petition stands disposed in terms of the compromise. No costs. Connected Miscellaneous Petition is closed.

12.07.2023

Index : Yes/No
Neutral Citation Case : Yes/No
nst

To:
The Principal Judge,
City Civil Court,
Chennai.



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