



W.P.No.15754 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.15754 of 2024

T. Thamayanthi

...Petitioner

Vs

1. The Tamil Nadu Wakf Board,
Represented by its Chairman,
No.1 Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

2. Abubakar Markayar Trust,
Wakf G.S.No.154,
Represented by its Trustee
Neela Thatchiamman Street,
Nagapatinam – 611 011.

...Respondents

PRAYER: This Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider petitioner's representation dated 26.08.2023 and 05.10.2023 for regularize petitioner's tenancy and to execute rental agreement for petitioner's possession in the property situated No.27A, Neela Kila Vithi Street, Nagapattinam-611001, comprised in Survey No.1762/1 for an extent of 1512 square feet and pass orders.



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For Petitioner : Mr. S. Murali Krishnan
For Respondent-1 : Mr.S. Haja Mohideen Gisthi
Standing Counsel

ORDER

The petitioner has filed this writ petition seeking a direction to the respondents to consider petitioner's representation dated 26.08.2023 and 05.10.2023 for regularize petitioner's tenancy and to execute rental agreement for petitioner's possession in the property situated No.27A, Neela Kila Vithi Street, Nagapattinam-611001, comprised in Survey No.1762/1 for an extent of 1512 square feet.

2.The case of the petitioner is that the petitioner is a tenant under the second respondent trust and he is regularly paying rent without any default till November 2022 and rental receipts was also issued in the name of the petitioner. The sum and substance of the case is that there is no proper management for the Wakf and no proper person is identified to receive the rent on behalf the Wakf property and no proper rental agreement is executed in petitioner's favour. Hence, the petitioner has given a representation on 26.08.2023 to the respondent for fixing the fair



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rent and also to execute fresh rent deed. However, the same was not considered. Pursuant to which the petitioner filed a Writ Petition in W.P.No.28222 of 2023 and this Court vide order dated 03.10.2023 permitted the petitioner to withdraw the writ petition with liberty to add the concerned Waqf as a party to the writ petition for the tenancy claimed. Thereafter, the petitioner has made a representation to the concerned Wakf Vide on 05.10.2023 for regularize the petitioner's tenancy and the same was also not considered. Hence the petitioner has come forward with this petition to consider her representation dated 26.08.2023 and 05.10.2023.

3. The learned counsel for the petitioner submitted that the petitioner has given representations to the second respondent on 26.08.2023 and 05.10.2023 for regularizing the petitioner's tenancy and to execute rental agreement. Hence, he seeks direction to the second respondent to consider the petitioner's representation and pass orders.

4. I have given anxious consideration to either side submissions and perused the materials available on records.



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5. Considering the facts and circumstances of the case and the limited relief sought for by the petitioner, **this Court, directs the second respondent to consider the petitioner's representations dated 26.08.2023 and 05.10.2023 in accordance with Waqf Properties Lease Rules, 2014** and pass orders on merits and in accordance with law, after affording reasonable opportunity of hearing to the petitioner as well as the concerned parties if any, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

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Index: Yes/No
Speaking order/Non-speaking order
smn



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To.

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V.BHAVANI SUBBAROYAN,J.

smn

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