



WP(MD)Nos.2696 to 2705 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 07.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

**WP (MD) Nos.2696 to 2705 of 2024 and
WMP (MD) Nos.2704,2706,2708,2710,2709,
2712,2713,2705,2707 and 2711 of 2024**

WP (MD) No.2696 of 2024

V.Raja

... Petitioner

Vs

- 1.The Estate Officer /
The Chief Executive Officer,
Tamil Nadu Wakf Board,
Wakf House,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.
- 2.The Superintendent of Wakf,
Kader Avuliya Pallivasal,
Kulavanigapuram,
Palayamkotai,
Tirunelveli District.
- 3.The Wakf Inspector,
Kader Avuliya Pallivasal,
Kulavanigapuram,
Palayamkotai,
Tirunelveli District.
- 4.Syed Abdullah Kaleefa Sahib,
Maqbira Thaikka,
represented by its Muthawalli,
No.46/24, North Ayyapuram Street,
Kadayanallur, Tenkasi District.



WP(MD)Nos.2696 to 2705 of 2024

5.Kadayanallur Thangai Katchi West,
Mohalla Jamath,
Represented by its President,
S.K.Syed Abdullah,
No.25, Ayyapuram Middle Street,
Kadayanallur, Tenkasi District.

6.The Superintendent of Police,
Tenkasi District,
Tenkasi.

7.The Inspector of Police,
Kadayanallur Police Station,
Kadayanallur,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records relating to the impugned proceedings of the 2nd respondent in Na.Ka.G.S.423/Va.Ka/Thi.Sa/2024, dated 01.02.2024 and quash the same and consequently forbear the respondents from in any manner disturbing the petitioner from running photo studio in the shop bearing Door No.212D situated at Kambaneri Puthukudi Part-II Village, Kadayanallur aluk, Tenkasi District.

For Petitioner : Mr.MP.Senthil

For Respondent : Mr.R.Baskaran,

Nos.1 to 3 Additional Govt.Pleader

For Respondent : Mr.A.Haja Mohideen

No.4



WP(MD)Nos.2696 to 2705 of 2024

ORDER

WEB COPY

The petitioners are the tenants of the shopping complex owned by the 5th respondent Jamath. The 4th respondent is the Muthawalli of the Jamath. He initiated proceedings as against the petitioners before the Rent Controller in the year 2013 that the petitioners were in default of rent to the Jamath from the year 2011 and it was ordered in favour of the 4th respondent. Challenging the same, the petitioners have preferred appeals before the Rent Control Appellate Authority and the same was allowed in their favour by order dated 01.03.2001. While so, the 4th respondent has filed civil revision petitions before this court. Pending Civil Revision petitions, the properties of Wakf were brought within the purview of the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975 by way of an amendment to the Act. Therefore, this Court permitted the 4th respondent to workout his remedy under this Act, 1975 and closed the civil revision petitions by order dated 15.12.2021.



WP(MD)Nos.2696 to 2705 of 2024

The 4th respondent has also filed an application before the Estate Officer / 1st respondent and it was ordered in favour of the 4th respondent on 09.11.2023. The petitioners have also filed an appeal as against the order of the 1st respondent with a delay of 45 days along with the delay condonation petition and it is numbered as IA.No.2 of 2024, wherein notice was ordered and it has been posted for hearing on 02.03.2024. While so, the 4th respondent has passed the impugned orders sealing the shops and directing the petitioners to remove the movable properties from there.

2.Heard the learned Counsel for the petitioner, the learned Senior Counsel appearing for the Wakf Board and the learned Counsel appearing for 4th respondent.

3.Admittedly the petitioners are running the shops for more than a decade. They have obtained an order in their favour from the Rent Control Appellate Authority. However, the 1st respondent Estate Officer



WP(MD)Nos.2696 to 2705 of 2024

by order dated 09.11.2023 has directed the petitioners to evict the premises. Challenging the same the petitioners have filed appeals before the District Court, Tenkasi and the appeals are yet to be numbered in view of the delay condonation applications.

4.Since the petitioners are in occupation of the shops for several years and they have also filed statutory appeals, these writ petitions are disposed of with the following directions:

(i) The respondents shall enter appearance in the interlocutory applications filed by the petitioners for condoning the delay in filing the appeals within a period of one week from the date of receipt of a copy of this order;

(ii) On appearance of the respondents, the District Court, Tenkasi shall take a decision in the interlocutory applications filed by the petitioners within a period of two weeks therefrom; in the event if the interlocutory applications are



WP(MD)Nos.2696 to 2705 of 2024

decided in favour of the petitioners, the main appeals shall be decided within a period of four weeks thereon;

(iii) Since the petitioners are in occupation of the shops for several years and they claim that they are paying rent regularly, this Court as an interim arrangement directs the petitioners to pay a sum of Rs.10,000/- [Rupees Ten Thousand] to the Muthawalli towards the arrears of rent within a period of two days from the date of receipt of a copy of this order and on receipts of the above amount, the keys of the premises shall be handed over to the petitioners;

(iv) The respondents shall not precipitate the issue for a period of six weeks;

(v) The petitioners shall co-operate for the early disposal of the appeals filed by them and if the appeals are not decided within the stipulated time, then the respondents shall proceed further.

(vi) The District Court, Tenkasi, shall take a decision in the interlocutory applications and the appeals being uninfluenced by any of the observations made herein. No costs. Consequently connected



WP(MD)Nos.2696 to 2705 of 2024

miscellaneous petitions are disposed of.

WEB COPY

07.02.2024

Internet : Yes / No

DSK

To

- 1.The Estate Officer /
The Chief Executive Officer,
Tamil Nadu Wakf Board,
Wakf House,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.
- 2.The Superintendent of Wakf,
Kader Avuliya Pallivasal,
Kulavanigapuram,
Palayamkotai,
Tirunelveli District.
- 3.The Wakf Inspector,
Kader Avuliya Pallivasal,
Kulavanigapuram,
Palayamkotai,
Tirunelveli District.
- 4.The Superintendent of Police,
Tenkasi District,
Tenkasi.
- 5.The Inspector of Police,
Kadayanallur Police Station,
Kadayanallur,
Tenkasi District.

Copy to
The District Judge,
Tenkasi

7/8



WEB COPY



WP(MD)Nos.2696 to 2705 of 2024

B. PUGALENDHI , J .

dsk

**WP (MD) Nos .2696 to
2705 of 2024**

07.02.2024