



W.A.(MD) Nos.544 to 553 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.A.(MD)Nos.544 to 553 of 2024

and

C.M.P.(MD)Nos.4150, 4152, 4153, 4155 to 4159, 4161 to 4163, 4165 to 4168,,
4170 to 4173 of 2023

W.A.(MD)No.544 of 2023:

Syed Abdullah Kaleefa Sahib Avargal,
Maqbira Thaikka,
Representred by its Muthawalli,
No.46/24, North Ayyapuram Street,
Kadayanallur,
Tenkasi District.

... Appellant

-Vs-

1.V.Raja

2.The Estate Officer /Chief Executive Officer,
Tamil Nadu Wakf Board,
Wakf House, No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.

3.The Superintendent of Wakf (in charge),
Kader Avuliya Pallivasal,
Kulavanigapuram, Palaymkottai,
Tirunelveli District.



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4.The Wakf Inspector,
Kader Avuliya Pallivasal,
Kulavanigarpuram,
Palayamkottai,
Tirunelveli District.

5.Kadayanallur Thangal Katchi West
Mohalla Jamath,
Represented by its President,
S.K.Syed Abdullah,
S/o.S.S.K.Kalandar Masthan Rahimani,
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: Appeal filed under Clause 15 of the Letters Patent Act to set aside the order passed in W.P.(MD)No.2696 of 2024 dated 07.02.2024.

For Appellants	: Mr.S.Chellapandian
For R1	: Mr.M.P.Senthil
For R2 to R4	: Mr.R.Kishore Ram for M/s.R.B.Law Associates
For R6 & R7	: Mr.S.S.Madhavan Government Advocate (Crl.side)



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COMMON JUDGMENT

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[Judgment of the Court was delivered by D.KRISHNAKUMAR, J.]

Since the issue raised in all these writ appeals are one and the same, all these writ appeals are taken together and disposed of by this common judgment.

2.Mr.S.S.Madhavan, learned Government Advocate (Crl.side) takes notice for the respondents 6 and 7. Mr.M.P.Senthil, learned counsel takes notice for the first respondent. Mr.R.Kishore Ram, learned counsel takes notice for the respondents 2 to 4. By consent of both parties, these writ appeals are taken up for final disposal at the stage of admission itself.

3.The core issue raised by the appellant in all these writ appeals is that the first respondent in all these writ appeals /writ petitioners have filed an appeal before the competent civil Court under the provisions of the Tamil Nadu Public Premises (Eviction and Unauthorized) Act, 1975 against the proceedings initiated by the Rent Controller for making default in payment of rent. When the said appeal is pending for consideration in the condone delay stage, the writ petitioners approached this Court by way of filing the writ petitions and obtained



a direction to run the business in the place in question. There cannot be two parallel proceedings for the same cause of action. On this sole ground, the writ petitions are liable to be dismissed. However, the learned Single Judge entertained the contentions raised by the writ petitioners and issued directions as such.

4.The learned counsel for the appellant further submits that the total outstanding due comes around Rs.3 lakhs. However, the learned Single Judge, had directed the writ petitioners only to pay a sum of Rs.10,000/- to the appellant.

5.The learned counsel for the first respondent/writ petitioners submits that the writ petitioners are in enjoyment of the property in question for years together and they also agree that there are arrears of rent. To show their *bona fide*, the writ petitioners are ready to deposit a sum of Rs.1,00,000/- to the Tamil Nadu Wakf Board.

6.The learned counsel for the appellant also conceded to the said request made by the writ petitioners.



7.Perusal of the order impugned in these writ appeals shows that the learned Single Judge had not delve into the merits of the matter and had directed the parties to approach the competent civil Court to resolve the dispute. That being the scope of the writ order, we do not find any reason to interfere with the same.

8.Considering the facts and circumstances of the case and taking note of the submissions made by the learned counsel appearing on either side, these writ appeals are **disposed of** with the following directions:

(i)the first respondent/writ petitioners are directed to pay a sum of Rs.1,00,000/- (Rupees one lakh only), each to the Wakf Board within a period of five (5) days from the date of receipt of a copy of this order. On such payment, the premises in question shall be reopened and keys shall be handed over to the first respondent/writ petitioners for running their business.

(ii)the issue regarding remaining arrears of rent as claimed by the appellant shall be decided in the pending appeal.



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(iii)The Principal District Court, Tenkasi, where the condone delay application filed by the first respondent/writ petitioners is pending, is directed to dispose of the application for condoning the delay within a period of eight (8) weeks from the date of receipt of a copy of this order. Thereafter, the appeal shall be decided as early as possible.

No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] & [R.V., J.]
25.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Principal District Court,
Tenkasi
- 2.The Superintendent of Police,
Tenkasi District, Tenkasi.
- 3.The Inspector of Police,
Kadyanallur Police Station,
Kadayanallur,
Tenkasi District.



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