



WEB COPY

WP No. 10450 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-09-2025

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 10450 and 11519 of 2025

AND WMP Nos. 13168, 12789 , 13010, 11753 and 13011 of 2025

WP No. 10450 of 2025:

P.Dilli Babu

Petitioner(s)

Vs

1. The Tahsildar
Arani Taluk Office, Arani Town,
Tiruvannamalai District.

2.The Inspector Of Police
Arani Town, Tiruvannamalai District

3.E.Naseer

Respondent(s)

WP No. 11519 of 2025:

E.Nasar

Petitioner(s)

Vs

1. The Tamil Nadu Waqf Board
Rep. By Its Chairman, No.1, Jaffer
Syrang Street, Valla Seethakathi Nagar,
Chennai-600 001.



2.The Tahsidlar

Arani Taluk Office, Arani Town,
Tiruvannamalai District.

3.The Inspector Of Police,

Arani Town Police Station, Arani
Town, Tiruvannamalai District.

4.P.Dilli Babu

S/o.Parasuraman, No.29a, Gandhi
Street, Paiyur Village, Arani Town,
Tiruvannamalai District.

5.Akbal Basha

S/o.Hafia, No.29, Jinna Street,
Kalambur, Tiruvannamalai District.

Respondent(s)

PRAYER in WP No. 10450 of 2025; This petition is filed under Article 226 of Constitution of India, to issue a writ of certiorarified Mandamus to call for the records of the impugned order passed by the first respondent in NA.KA.A 1/1103/2025 dated 12.03.2025 and quash the same and further direct the first respondent not to be evicted the petitioner expect due process of law which is situated at Shop No.105B, S.M.Road, Arani Town, Tiruvannamalai District

PRAYER in WP No. 11519 of 2025; This petition is filed under Article 226 of Constitution of India, to issue a writ of certiorari Calling for records of the impugned order passed by the 2nd respondent dated 12.03.2025 vide Na.Ka. AA1/ 1103/ 2025 and quash the same as illegal and unsustainable.

For Petitioner(s): Mr.D.Babu Varadharajan
 in W.P.No.10450 of 2025
 Mr.A.Ajimath Begam
 in W.P.No.11519 of 2025



For Respondent(s): Mr.S.Balaji, GA (Crl. Side) RR1 & 2
R3- Not ready notice
in W.P.no.10450 of 2025
Mr.R.Abdul Mubeen, for R1
Mr.S.Balaji GA for RR2 & 3
in W.P.No.11519 of 2025

COMMON ORDER

These writ petitions are filed by the tenant and the Manager of Wakf property. The challenge is made to be order dated 12.03.2025 passed by the Tahsildar, Arani Taluk, Tiruvannamalai District. Since the issues involved in both the writ petitions are one and the same, this Court has heard the writ petitions together and they are disposed of by way of this common order.

2. The petitioner in W.P.no.10450 of 2025 is referred to as the tenant. The petitioner in W.P.no.11519 of 2025 is referred to as the Manager of the property. The father of the tenant entered into a lease agreement with the Wakf. After his demise, the tenant stepped into the shoes of his father and a fresh rental agreement was entered into between them.

3. It is the case of the Manager of the Wakf properties that the tenant was irregular in payment of rent and he had committed huge default. Despite several notices from the Wakf, the tenant did not choose to pay the arrears of rent.



4. It is the case of the tenant that the Wakf acted in high-handed manner and illegally trespassed into the rented premises and through away the materials stored in the property and forcefully locked the premises. In this regard, a tenant had prepared a police complaint against the Wakf. The Police enquired into the matter and asked both parties to resolve the dispute among themselves.

5. It is the case of the Manager of the Wakf Property that since the tenant was irregular and had default in payment of rent which had accumulated to a very huge sum, the Wakf decided to terminate the rental agreement and accordingly, the tenant was asked to vacate. The tenant agreeing that he had defaulted in payment of rent, vacated the premises. Thereafter, a new tenant was inducted in the said Wakf property. According to the Manager of the Wakf Property, since the tenant was indulging in disturbances. Even thereafter, a police complaint was given and a complaint was also given to the Revenue Divisional Officer, Arani. The said authority directed the Tahsildar, Arani to conduct an enquiry and take action.

6. The Tahsildar, Arani, conducted an enquiry wherein both parties were given an opportunity to put forth their grievances. After enquiry, the Tahsildar concluded that the shop would remain sealed until the Manager of the Wakf properties establish its right over the shop. The said order is challenged by both the tenant and the Manager of the Wakf property.



7. Heard both sides and perused the materials available on record.

8. The issue involved in these writ petitions is basically determination of landlord-tenant relationship. Whether the tenant had defaulted in payment of rent and whether the Manager of the wakf property has established its rights, are all matters, which have to be decided by the Rent Control Court. This court cannot venture into such exercise and gave a verdict based on the affidavit evidence.

9. Therefore, both the writ petitions are dismissed. The parties are at liberty to move the Rent Control Court to establish their right. It is made clear that this Court is not expressing any opinion on the merits of the matter. No costs. Consequently, connected miscellaneous petitions are closed.

08-09-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Tahsildar

Arani Taluk Office, Arani Town,
Tiruvannamalai District.



WP No. 10450 of 2025



M.DHANDAPANI,J.

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2.The Inspector Of Police
Arani Town, Tiruvannamalai District

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