



WEB COPY

CRP(PD).No.4 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

CRP.(PD).No.4 of 2025

Haseena Bivi

... Petitioner

Vs.

1.The Tamilnadu Wakf Board
Rep by Chief Executive Officer,
No.1, Jaffer Syrang Street, Vallal Seethakathi Nagar, Chennai 1.

2.The Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai 1.

3.The Superintendent of Wakfs
Chennai Zone, No. 139,
Dr.Besant Road, Triplicane, Chennai 5

4.The Inspector of Wakfs,
Chennai Zone, No. 139,
Dr.Besant Road, Triplicane, Chennai 5

5.The Muthawalli
Neelambasha Dargah,
Dr.Besant Road, Triplicane, Chennai 5

6.R.Geetha

... Respondents

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the Honble Subordinate Court, Chidambaram, to direct the Tamil Nadu Waqf Tribunal, Chennai to expeditiously dispose the I.A.No.401/2024 in O.A.No.71/2024.



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For Petitioner : M/s.N.A.Nassir Hussain

For Respondent : M/s. A.Rajeswari for R.1

ORDER

The applicant before the Tamil Nadu Wakf Tribunal, Chennai in OA No.71 of 2024 is the revision petitioner before this Court seeking an early disposal of I.A No.401 of 2024 in OA.No.71 of 2024.

2. The petitioner would contend that she is the tenant in respect of the land comprised in RS.No.975, OS.No.4230, bearing Door No. 45 Neelam Basha Dargah Street, Dr.Besant Road, Triplicane Chennai-5. The applicant had originally leased out the vacant land under a lease agreement dated 01.03.1990 and had thereafter put up a construction on the vacant land after obtaining necessary permission and has been in possession since then by paying rents regularly.

3. While so, the 5th respondent had instituted eviction proceedings against the applicant in PP Case No.26 of 2016 before the Estate Officer, Tamil Nadu Wakf Board. The Estate Officer without affording an opportunity to the applicant held that the applicant had sublet the property to the 6th respondent and holding that the applicant was an unauthorised



occupant and ordered eviction. Since the order was based on unfounded allegations, the petitioner had filed CRP No.1645 of 2018 before this court and a compromise was effected on 12.07.2023 in and by which the petitioner had paid a sum of Rs.4,00,000/- towards arrears of rent, Rs.1,00,000/- towards security and agreed to pay a monthly rent of Rs.10,000/-. Pursuant to the compromise, the lease was renewed for a period of 11 months from 04.08.2023.

4. That being the case, all of a sudden, the applicant was called for an inquiry without disclosing the purpose of inquiry. The applicant had appeared for the inquiry through her counsel stating that she was unaware of the purpose for which she was summoned as no documents had been served to her and requested that the necessary papers be furnished. In the said enquiry the applicant was informed that the papers would be served on her and she would be afforded due opportunity to submit her case.

6. On 22.01.2024, once again, the 5th respondent had called the applicant to the Wakf Board for enquiry on 23.01.2024. The applicant had attended the enquiry and reiterated that she had not received the papers and only if she had received the papers, she could object the application and substantiate her case. She had also informed the 5th respondent that the



lease in her favour is in subsistence, as it was entered into for 11 months from 04.08.2023 and would come to an end on 03.07.2024.

7. Without affording her an opportunity, the Wakf Board had passed an order dated 23.01.2024 directing the Muthawalli to execute a lease deed in respect of an extent of 1000 sq feet (already leased out to the applicant) in favour of the 6th respondent and another lease deed for 1400 sq feet in favour of the applicant. The said order has been passed when the lease was subsisting. Challenging this order, the applicant had filed W.P.No.14396 of 2024. This Court by order dated 30.09.2024 disposed of the petition giving liberty to the petitioner to work out her remedy before the Wakf Tribunal. The order of interim stay granted by this Court on 30.05.2024 was also extended for a period of two weeks from the date of receipt of a copy of this order, so as to enable the petitioner to approach the Wakf Tribunal. Accordingly, the petitioner had filed OA.No.71 of 2024, before the Tamil Nadu Wakf Tribunal, Chennai.

8. In the said OA, the petitioner had filed an application for an ad-interim injunction. However, in the injunction application, instead of granting an injunction, notice was issued to the respondents. Though the respondents were served and sought time to file a counter, no counter has



been filed and steps have been initiated to evict the petitioner from the premises. Therefore, the urgency for hearing the application for injunction.

9. Heard the learned counsel for the petitioner and the learned counsel for the 1st respondent and perused the records.

10. From a perusal of the records and the arguments, it appears that even during the subsistence of the lease agreement that has come into existence on a compromise decree, the respondents are attempting to browbeat the petitioner into evicting her from the property. The applicant has filed an application for injunction and without granting her interim injunction, the Tribunal had ordered notice and the application has been adjourned.

11. It is also seen that against the order passed by the 1st respondent dated 23.01.2024, the petitioner had initially filed WP No.14396 of 2024 before this Court and this Court by order dated 30.05.2024 was pleased to grant an order of interim stay and on 05.09.2024 finally disposed of the Writ Petition with a direction to the petitioner to approach the Waqf Tribunal and also extended the order of interim stay already granted by this Court on 30.05.2024 for a period of two weeks from the date of receipt of a



copy of this order. However, the Waqf Tribunal has not granted the interim order and has simply issued notice to the respondents.

12. Therefore, taking into consideration the fact that the impugned order has been passed when the lease agreement was subsisting that too pursuant to a compromise arrangement entered into between the 5th respondent and the petitioner, there shall be an order ad-interim injunction restraining the respondents, their men and agents from in any manner interfering with the petitioner's peaceful possession and enjoyment of the scheduled mentioned property, pending OA.No.71 of 2024 on the file of the Wakf Tribunal, Chennai. The Tamil Nadu Wakf Tribunal, Chennai is directed to dispose of OA.No.71 of 2024 within a period of 6 months from the date of receipt of a copy of this order.

13. With the above directions, the Civil Revision Petition stands allowed. No costs.

03.02.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The Tamil Nadu Waqf Tribunal, Chennai.



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P.T. ASHA. J.,

(shr)

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