



C.R.P.(MD)No.1870 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2025

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CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P(NPD)(MD)No.1870 of 2025

and

C.M.P(MD) No.10358 of 2025

Kamal

... Petitioner/Plaintiff

Vs.

1. The Tamil Nadu Waqf Board,
Represented by its Chief Executive Officer,
No.1, Jaffar Sirang Street,
Vallal Seetakathai Nagar,
Chennai – 600 001.

2. The Waqf Superintendent/
Executive Officer,
No.1, Town Hall Road,
Madurai – 625 001.

3. Hakkim Raja

4. Town Hall Mosque Management Committee,
Represented by its Mutawalli,
Town Hall Masjid Road,
No.1, Town Hall road,
Madurai -1.

... Respondents/Defendants

PRAYER: Civil Revision Petition filed under Section 115 of CPC read with 83(9) of the Wakf Act, 1995, to set aside the judgment and decree dated 08.04.2025 made in O.S.No.18 of 2022 on the file of the learned Tamil Nadu



C.R.P.(MD)No.1870 of 2025

Waqf Tribunal, Chennai by allowing this Civil Revision Petition.

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For Petitioner : Mr.E.Mohammed Abbas
For R1 & R2 : Mr.Haroon Rashid
Standing Counsel
For R3 : Mr.Baburajendran

ORDER

This Civil Revision Petition is filed challenging the judgment and decree dated 08.04.2025 made in O.S.No.18 of 2022 on the file of the Tamil Nadu Waqf Tribunal, Chennai.

2.The petitioner / plaintiff was inducted as a tenant under the fourth respondent vide rental deed dated 13.10.2001 for a period of 11 months. Subsequently, the petitioner continued the tenancy by consent with the fourth respondent till 15.02.2023, however, without following the due procedure contemplated under Rule 4 of the Waqf Properties Lease Rules, 2014. He was thereafter, evicted on the ground that the petitioner sublet the property in favour of the third respondent. Aggrieved over the same, the petitioner filed a suit in O.S.No.18 of 2022 before the Tamilnadu Waqf Tribunal At Chennai, seeking the relief of declaration, permanent injunction and recovery of possession under Section 6 of the Specific Relief Act, 1963, stating that the petitioner was



dispossessed without his consent from the subject property. However, the Tribunal dismissed the suit in accordance with Rule 4 of the Waqf Properties Lease Rules holding that the petitioner is not entitled to the relief as per Section 6 of the Specific Relief Act. Challenging the same, the petitioner has filed the present Civil Revision Petition.

3. The learned counsel for the petitioner submitted that admittedly, the petitioner was inducted as tenant in the year 2001 for a period of 11 months. Even after expiry of 11 months, the fourth respondent continued to collect the rent upto the year 2022, by increasing the rent from time to time and therefore, the petitioner has to be evicted only in accordance with Rule 4 of the Waqf Properties Lease Rules. The petitioner is also entitled to claim right as against the fourth respondent in terms of the Specific Relief Act, 1963 and accordingly, he prays for appropriate orders.

4. Per contra, the learned counsel for the respondents 1 and 2 submitted that admittedly, the lease was granted in favour of the petitioner with certain conditions only for a period of 11 months. After expiry of 11 months, by increasing 5% of rent every year, the petitioner ought to have renewed the tenancy with the fourth respondent. However, in the present case, without any renewal, the petitioner continued as a tenant in collusion with the fourth



respondent officials for a meager amount of Rs.11,000/-. Initially, the rent was fixed at Rs.1,200/-. By increasing 5% every year, the last rent paid by the petitioner is Rs.11,000/- without any renewal, which is unsustainable and contrary to the Waqf Properties Lease Rules, 2014. The petitioner also sublet the property to the third respondent in the year 2008 and illegally collected a higher rent of Rs.52,500/-. However, the petitioner used to pay only Rs. 11,000/- to the fourth respondent. Only thereafter, such illegality came to light and a fresh auction was conducted and fourth fix a sum of Rs.33,000/- as rent to the third respondent. All these issues were rightly appreciated by the trial Court and the order of the trial Court need not be interfered.

5. The learned counsel for the third respondent would submit that the third respondent is the sub-lessee of the petitioner right from the year 2008. The petitioner used to collect Rs.52,000/ as rent from the third respondent whereas he is paying only Rs.11,000/- to the Waqf Board. The third respondent reported the same to the fourth respondent Waqf Board and the Waqf board has taken an action and conducted fresh auction, wherein the third respondent was the successful bidder. All these facts have been well considered by the trial Court and the same was dismissed, which need not be interfered with.

6. Heard the learned counsel for the petitioner and the learned counsel



for the respondents and perused the materials placed on record.

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7. Admittedly, the petitioner is a tenant under the fourth respondent. It is also undisputed that the fourth respondent inducted the petitioner as a tenant only for a period of 11 months vide agreement dated 13.10.2001. After expiry of 11 months, as per the condition under the lease agreement, the petitioner has to renew the rental agreement. However, in this case, the petitioner has not taken any effective steps to renew the lease from 01.10.2002 and he continued as a tenant with the fourth respondent.

8. However, the third respondent claims that in the year 2008 itself, the petitioner sublet the Waqf property in favour of the third respondent and had been collecting a sum of Rs.52,500/- from the third respondent and paid only a sum of Rs.11,000/- to the fourth respondent Waqf and thereby, he reported the same to the fourth respondent Waqf. Pursuant to the same, the Waqf conducted a meeting and recognized the third respondent as a tenant by receiving a sum of Rs.33,000/- from the third respondent.

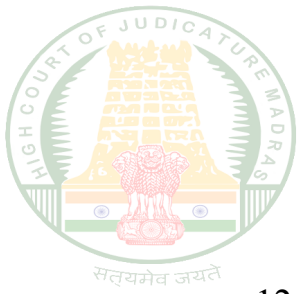
9. Further, the suit in O.S.No.18 of 2022 is filed by the petitioner seeking the relief as per Section 6 of the Specific Relief Act. The petitioner was dispossessed from the immovable property without following due process of



law. Section 6 of the Specific Relief Act allows a person dispossessed from the immovable property without their consent and not through due process of law, to recover possession through a suit. However, in the present case, the act of petitioner himself holding the rental agreement and subletting the property in favour of the third respondent by receiving higher rent is illegal. The petitioner cannot seek shelter under Section 6 of the Specific Relief Act having committed such illegality.

10.This Court is also unable to understand that when the petitioner, who sublet the property to the third respondent, had collected rent to the tune of more than Rs.50,000/-, how the fourth respondent had rented the subject property only to the tune of Rs.33,000/- to the third respondent. The act of the fourth respondent in fixing the meager amount than the amount collected by the petitioner as rent to the third respondent is improper and the same is contrary to the Waqf Property Lease Rules, 2014.

11.In view of the same, the rent agreement entered between the third and fourth respondents is hereby set aside and the fourth respondent is directed to conduct a fresh auction with respect to the subject property in accordance with Sections 4, 5, 6 and 7 of the Waqf Property Lease Rules, 2014. It is open to the third respondent to participate in the fresh auction to be conducted by the fourth respondent, if so desires.



C.R.P.(MD)No.1870 of 2025

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12. With the above direction, this Civil Revision Petition is disposed of.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

10.07.2025

Index : Yes/No
Internet : Yes / No
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To

1. The Tamil Nadu Waqf Tribunal,
Chennai.
2. The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffar Sirang Street,
Vallal Seetakathai Nagar,
Chennai – 600 001.
3. The Waqf Superintendent/
Executive Officer,
No.1, Town Hall Road,
Madurai – 625 001.
4. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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