



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 18.02.2026

Pronounced on: 27.02.2026

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

**CRP. No.2587 of 2025
and CMP. No.14715 of 2025**

Prasad @ Prasath

Petitioner(s)

Vs

1.M/s.Hujjathul Quayam Waqf,
Rep. by its Mutawalli,
Janaba, Mahjabeen.

2.The Tamil Nadu Waqf Board,
Rep by its Chief Executive Officer,
No.1, Jaffar Syrang Street,
Vallal Seetakathi Nagar,
Chennai - 600 001.

Respondent(s)

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India r/w. Section 83(9) of Waqf Act, to set aside the Judgment dated 15.04.2025 in O.S. No.69 of 2018 (W.O.S. No.507 of 2018 on the file of the I Assistant City Civil Court/Waqf Tribunal, Chennai) and dismiss the suit with costs.

For Petitioner : Mr.G.V.Sridharan
For Respondents : Mr.Eswar Kumar & Rao for R1
Mr.Avinash Wadhwani,
Standing Counsel for R2



ORDER

The present revision petition has been filed by the first defendant, challenging the judgment and decree in O.S. No.69 of 2018 (WOS. No.507 of 2018) on the file of the First Assistant City Civil Court, Chennai (Waqf Tribunal).

2. I have heard Mr.G.V.Sridharan, learned counsel for the revision petitioner. Mr.Nandakumar for M/s.Easwar Kumar and Rao, learned counsel for the first respondent/plaintiff and Mr.Avinash Wadwani, learned Standing Counsel for the second respondent/Board.

3. Mr.G.V.Sridharan, learned counsel for the revision petitioner would contend that the petitioner has been in enjoyment of the suit property in his own right and nobody has staked any claim of title to the said property for the past several years and all of a sudden, the first respondent sent a notice as if the petitioner as a tenant and sought to recover possession of the property from the petitioner. It is therefore the submission of the learned counsel for the petitioner that the first respondent has no locus to evict the petitioner, in the absence of even establishing existence of a jural relationship of landlord and tenant, which was the basis on which the suit was originally filed. Mr.G.V.Sridharan, learned



counsel would further state that the Tribunal has also erroneously allowed the claim for damages for use and occupation when the first respondent had miserably failed to establish even the quantum of rent which was payable allegedly by the petitioner. For all these reasons, the learned counsel for the petitioner seeks to set aside the judgment and decree of the Waqf Tribunal.

4. Per contra, Mr.Nandakumar, learned counsel for the first respondent/plaintiff inviting my attention to the written statement filed by the petitioner in the suit would state that the petitioner had categorically admitted not only the title of the first respondent/plaintiff, but also the factum of his grandparents being tenants under the first respondent Waqf. He would therefore state that the petitioner was estopped from taking any contradictory stand that there was no jural relationship of landlord and tenant. Insofar as damages for use and occupation, Mr.Nandakumar, learned counsel would state that considering the location of the suit property, being situate in a prime locality in the heart of the city of Chennai, a very nominal claim of damages was made and the Trial Court has also judiciously considered the claim while granting the relief in part alone. He would therefore, dismissal of the revision petition.

5. I have carefully considered the submissions advanced by the learned counsel on either side.



6. The first respondent initially filed W.O.S. No.507 of 2018, on the file of the First Assistant City Civil Court, Chennai. The same was transferred to the Waqf Tribunal, Chennai and re-numbered as O.S. No.69 of 2018. The case of the first respondent is that the Waqf is a notified Waqf and noticing that the petitioner was in occupation of an extent of 1700 sq.ft and his sister was in occupation of 1000 sq.ft, without any authorization or valid tenancy, notices were issued. The sister of the petitioner filed a suit against the previous Mutavalli of the plaintiff Waqf in his personal capacity. The said suit in O.S. No.8468 of 2011 on the file of the XI Assistant City Civil Court, Chennai, has been dismissed. Yet another suit was filed by the petitioner's sister in O.S. No.5543 of 2017 on the file of the 1st Assistant City Civil Court, Chennai, claiming right of adverse possession and the relief of permanent injunction. The said suit has also been dismissed. Out of total extent of 2700 sq.ft, 1700 sq.ft is in the occupation of the petitioner and the remaining 1000 sq.ft is in the occupation of the sister of the petitioner, who suffered two decrees of the competent Civil Court against the first respondent/plaintiff.

7. In the written statement filed by the petitioner at Paragraph No.3, the petitioner admits that the property was under the occupation of the grandfather and grandmother of the petitioner ever since 1974 and that they were lessees under the owners viz., the plaintiff/Waqf, the first respondent herein. In such



circumstances, having admitted that the predecessor in interest of the petitioner were lessees, the petitioner is estopped from contending that there is no jural relationship of landlord and tenant between the petitioner and the first respondent/Waqf. The other defence raised by the petitioner was that the Waqf Board had given a no objection certificate on 02.06.2015 for the petitioner to reside in the suit property. However, the Tamil Nadu Waqf Board has filed an additional written statement stating that the said exhibit amongst other exhibits are forged documents and no such NOCs were provided by the second defendant/Board. The Waqf Tribunal has rightly considered the oral and documentary evidence, the admissions of the petitioner, in granting the decree for recovery of possession, I do not see any grounds for interfering the well considered findings of the Tribunal.

8. Even with regard to the decree for arrears of rent, damages for use and occupation, the petitioner has been admittedly enjoying the suit property without payment of any rent to any person whomsoever. The petitioner has failed to establish any right or valid title in himself. In such circumstances, the direction of the Tribunal ordering payment of damages for the past three years, considering the law of limitation is also proper and I do not see the same to be arbitrary or excessive.



9. In the light of the above, there is no merit in the revision. Accordingly, this Civil Revision Petition is **dismissed**. The petitioner shall vacate and handover vacant possession of the suit property to the first respondent on or before 30.04.2026 and insofar as the decree for recovery of money by way of damages for use and occupation/arrears of rent, it shall be open to the first respondent to execute the decree in the manner known to law. Consequently, connected Miscellaneous Petition is also dismissed. No costs.

27.02.2026

rkp

Neutral Citation Case : Yes/No

Internet: Yes/No

Index : Yes/No

To:

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P.B.BALAJI, J.,

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Pre-delivery order in
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