

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.10354 of 2013
and M.P.Nos.1 and 2 of 2013

K.N.Nehru

.. Petitioner

-vs-

- 1.The State of Tamil Nadu
Rep. By its Secretary,
Backward Classes, Most Backward
Classes and Minorities Welfare (TI)
Dept., Fort St. George,
Chennai 600 009.
- 2.The Tamil Nadu Wakf Board,
Rep. By its Chief Executive Officer,
'Wakf House'', No.1, Jaffar Syrang St.,
Vallal Seethakathi Nagar,
Chennai 600 001.
- 3.The Estate Officer cum Chief
Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.
- 4.Union of India
Rep. By its Secretary,
Ministry of Law & Justice,
New Delhi.
- 5.The Executive Officer,
West Chinthamani Mosque,
Trichy North.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records pertaining to order passed in Case No.PP/10/Try/2012 dated 2.4.2013 passed by the 3rd respondent under sub section (1) of section 5 of the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act, 1975 and quash the same as arbitrary, illegal and without jurisdiction.

For Petitioner : Mr.Shanmugasundaram, Sr.C.
For Mr.L.Bhaskaran

For Respondents : Mr.S.T.S.Murthi,
Govt. Pleader, assisted by
Mr.V.Shanmugasundar, GA for R1

: Mr.Su.Srinivasan,
Asst. Solicitor General for R-4

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The appellate remedy has not been availed of because the petitioner in a separate writ petition has assailed the constitutional validity of the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act, 1975, as amended by the Act 33 of 2010.

2.We are of the view that in case the challenge to the constitutional validity succeeds, nothing would survive, but if not, then remedy would be only in appeal. Thus, in this matter, the petitioner should file an appeal within two (2) weeks and the interim arrangements already made would continue till such time as the challenge to the constitutional validity is determined.

3.Writ petition, accordingly, stands disposed of. No costs. Consequently, M.P.Nos.1 and 2 of 2013 stand closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sra

To

1.The Secretary to Govt. of Tamil Nadu
Backward Classes, Most Backward
Classes and Minorities Welfare (TI)
Dept., Fort St. George, Chennai 600 009.

2.The Chief Executive Officer,
Tamil Nadu Wakf Board,
'Wakf House'', No.1, Jaffar Syrang St.,
Vallal Seethakathi Nagar, Chennai 600 001.

3.The Estate Officer cum Chief
Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.

4.The Secretary to Govt. of India
Ministry of Law & Justice,
New Delhi.

5.The Executive Officer,
West Chinthamani Mosque,
Trichy North.

1 cc to Ms.V.Raghavachari, Advocate, sr.42488
1 cc to A.Kumaraguru, Advocate, sr.42459

W.P.No.10354 of 2013

ctr co
kra 10.08.2016

सत्यमेव जयते

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