



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19954 of 2015

and

M.P.(MD)No.1 of 2015

K.Mahalakshmi

... Petitioner

vs.

1.The District Collector,
Theni District.

2.The Tahsildar,
Periyakulam Taluk,
Theni District.

3.The Commissioner,
Periyakulam Municipality,
Periyakulam.

4.The President,
Nawab Jamia Masjid,
Vadakarai Pallivasal,
Periyakulam, Theni.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the third respondent from in any manner evict the petitioner from the property, comprised in S.No.1797, bearing Door No.WD-09, Near Old Bus Stand, Ammayanayakkanur Road, Periyakulam except under due process of law.

For Petitioner : Mr.R.Suriya Narayanan

For Respondents : Mr.T.S.Md.Mohideen,

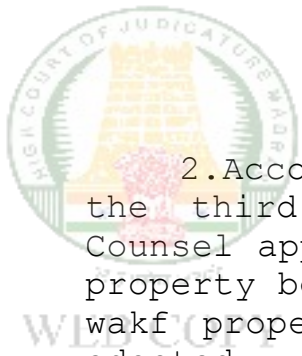
Addl. Govt. Pleader for RR1 & 2

Mr.Ajmal Khan, Senior Counsel
for M/s.Ajmal Associates for R4
Mr.M.Karuppasamy Pandian R3

O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J.)

The writ petitioner apprehends that he would be illegally dispossessed from the property comprised in S.No.1797, bearing Door No.WD-09, Near Old Bus Stand, Ammayanayakkanur Road, Periyakulam.



2. According to the writ petitioner, the property belongs to the third respondent Municipality. But, the learned Senior Counsel appearing for the fourth respondent would contend that the property belongs to the fourth respondent wakf board. If it is a wakf property, the procedure set out in the Wakf Act would be adopted. If it belongs to the third respondent, the statutory procedure would be followed. In any event, due process of law would be followed.

3. This writ petition is disposed of with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector, Theni District.

2. The Tahsildar,
Periyakulam Taluk, Theni District.

3. The Commissioner,
Periyakulam Municipality, Periyakulam.

+1cc to M/S.R.SURIYA NARAYANAN, Advocate SR.No.79103

+1cc to M/S.AJMAL ASSOCIATES, Advocate SR.No.78854

+1cc to Special Government Pleader, SR.No. 79019

Skm / Arul

MAS/SKN-RSK/SAR2:13.10.2017:2P-7C

W.P(MD)No.19954 of 2015

and

M.P. (MD)No.1 of 2015

13 September 2017