

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2020

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.No.303 of 2020

and C.M.P.No.5250 of 2020

1.S.A.Venirservan

2.Krishnaveni

3.R.Tamil Selvi

.. Appellants/Petitioners

-vs-

1.The Estate Officer,

'Wakf House', No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.

2.M/s.Ghulam Hussain Mosque,

rep. by its Vice President,

Mr.Syed Hidayathullah.

.. Respondents/Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 21.02.2020 passed in W.P.No.SR 3036 of 2020 on the file of this Court.

WP.SR.No.3036/2020: Writ Petition sought preferred u/a.226 of the Constitution of India praying to issue Writ of Certiorari to call for the records relating to the impugned notice of the first respondent issued in Case.No.PP/7/CHE/2019 dt.31.12.2019 and quash the same.

For Appellants

: Mr.J.Lakshmi Narayanan

JUDGMENT

(Delivered by The Hon'ble Chief Justice)

Learned counsel for the appellants submits that after having gone through the provisions, the impugned judgment appears to have erroneously proceeded on the basis of the old

definition of 'public premises' and the writ appeal has also been filed under the same misconception. He, therefore, submits that he should be permitted to withdraw the original writ petition and the appeal be also permitted to be withdrawn with liberty to the appellant to contest the issues before the Estate Officer or any other forum, which the appellant may be entitled to approach.

2.It is correct that the learned Single Judge has delivered the impugned judgment on the basis of the unamended provision of Section 2(e) of the Tamil Nadu Public Premises (Eviction of Unauthorized Persons) Act, 1975, and since the appellant has now prayed for withdrawal of the writ petition as well as the writ appeal, we permit him to do so to contest the matter before the appropriate forum in accordance with law, which shall be dealt with independently of these proceedings.

The Writ Appeal is, accordingly, consigned to records. No costs. Consequently, C.M.P.No.5250 of 2020 is closed.

-s/d-

Assistant Registrar (CS-)

True Copy

Sub-Assistant Registrar

To

1.The Estate Officer,
'Wakf House', No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.

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W.A.No.303 of 2020

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