



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.35284, 35288, 35289 AND 35290 OF 2019

AND

W.M.P.NO.2452, 2453, 2454 AND 2455 OF 2020

Mr.N.Saravana Perumal

... Petitioner in
W.P.No.35284 of 2019

Mr.P.Shenbagamurugan

... Petitioner in
W.P.No.35288 of 2019

Mr.V.Anthony Raj

... Petitioner in
W.P.No.35289 of 2019

Mr.P.Seeman Raja

... Petitioner in
W.P.No.35290 of 2019

.Vs.

1. The Estate Officer,
Under the Tamil Nadu Public Premises
(Eviction of Unauthorised Occupants),
Act, 1975, Waqf House,
No.1, Jaffar Syrang Street,
Vallal Seetakathi Nagar,
Chennai - 600 001.

2. Nawab wallajah sahip pallivasal,
Rep. by its Secretary,
No.31, Cheran Mahadevi Road,
Pettai, Tirunelveli - 627 004.

... Respondents in
all W.P's

PRAYER:-

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to take up the application filed by the petitioners dated 24.12.2018 under order IX Rule 13 of CPC and adjudicate the same and to consequently forbear the 2nd respondent from taking coercive steps pending disposal of the application filed by the petitioners.



WEB COPY

For Petitioners : Mr.Mohan
in all W.P's

For Respondent R1 : Mr.Mohammed Fayaz Ali
in all W.P's

For Respondent R2 : Mr.S.Balasubramaniam
in all W.P's

O R D E R

The petitioners have filed this writ petition seeking issuance of Writ of Mandamus directing the 1st respondent to take up the application filed by the petitioners dated 24.12.2018 under order IX Rule 13 of CPC and adjudicate the same and to consequently forbear the 2nd respondent from taking coercive steps pending disposal of the application filed by the petitioners.

2. The learned counsel appearing for the petitioners submitted that the 1st respondent passed an exparte order under order IX rule 9 of CPC. Subsequently, on 24.12.2018, the petitioners preferred an application to set aside the same in the manner known to law. However, the said application to set aside the exparte order dated 29.11.2018 has not been taken on file and assigned a number for the purpose of adjudication. Hence, this present Writ Petition is filed.

3. He further submits that it would suffice, that if this Court may issue a direction to the 1st respondent to decide the application dated 29.11.2018 within a reasonable time period that may be stipulated by this Court.

4. The learned counsel appearing for the 1st respondent submits that pursuant to the eviction order dated 29.11.2018, the eviction process was carried on and the petitioners were dispossessed from the property. However, the matter could be decided by the 1st respondent within the stipulated time imposed by this Court.

5. Considering the facts, without going into the merits of the issue, this Court issue direction to the 1st respondent to decide the application dated 29.11.2018 within a period of 12 weeks from the date of receipt of copy of this order.



Accordingly, the Writ Petition is disposed of. No Costs.
Consequently, connected Miscellaneous Petitions are closed.

WEB COPY

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

anu

To

The Estate Officer,
Under the Tamil Nadu Public Premises
(Eviction of Unauthorised Occupants),
Act, 1975, Waqf House,
No.1, Jaffar Syrang Street,
Vallal Seetakathi Nagar,
Chennai - 600 001.

+4ccs to Mr.S.Balasubramaniam, Advocate, S.R.Nos.61017 to 61020

W.P.NO.35284, 35288, 35289 AND
35290 OF 2019 AND W.M.P.NO.2452,
2453, 2454 AND 2455 OF 2020

GSM(CO)
PBS/21/01/2022