



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

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W.P. (MD)No.14761 of 2021

and

W.M.P (MD) .No.11679 of 2021

Dixit

... Petitioner

Vs.

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

2.The Superintendent of Wakfs,
Trichy Circle,
Trichy.

3.The Wakf Inspector,
Trichy District, Trichy.

4.M/s.Hazarath Nabi SallalahuAlaihi
Vasallam Fathiah Waqf,
Rep. by its Trustee,
Mr.Syed Sulaiman,
No.7, Jalal Judiri Street,
Madurai Road,
Trichy-6200 008.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to forbear the third respondent from taking any coercive steps to evict the petitioner from the premises at 97/32, New Door No.100-A, Madurai Road, Trichy-620 008, till a decision is taken in the petition's for stay petition in the statutory appeal filed by him under Section 9 of the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975, challenging the order dated 05.08.2021, passed by the Estate Officer, TNWB, Chennai.

For Petitioner	: Mr.Govind Chandrasekhar
For Respondents	: Mr.Mohideen Basha, for R1 to R3 Mr.Mahaboob Athiff, for R4



O R D E R

The petitioner seeks to prevent the third respondent from taking any coercive steps to vacate the petitioner from the premises at 97/32, new door No.100-A, Madurai Road, Trichy.

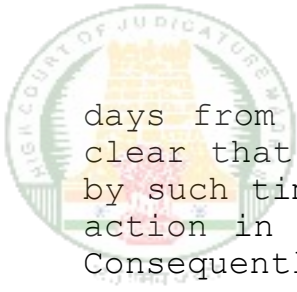
2.The petitioner states that he is a tenant in the property of the fourth respondent. Upon the filing of a petition under Sections 4, 5 and 7 of the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act 1975, it is stated that the impugned order was issued on 05.08.2021. Although the order is dated 05.08.2021, it is pointed out that such order was received by the petitioner on 12.08.2021 as is evident from the receipt seal in respect thereof. The petitioner contends that only ten days' time was granted to the petitioner to vacate the relevant premises. Given the fact that the order was received by the petitioner on 12.08.2021, the petitioner did not have sufficient time to obtain a stay from the appellate authority under Section 9 of the aforesaid enactment.

3.Mr.Mahaboob Athiff, learned counsel, accepts notice on behalf of the fourth respondent. Mr.Mohideen Basha, learned counsel, accepts notice on behalf of respondents 1 to 3.

4.Learned counsel for the fourth respondent contends that the present writ petition is not maintainable in view of the statutory remedy. In addition, he points out that the petitioner has not enclosed a copy of the appeal or even indicated the number thereof. Moreover, he states that a petition of this nature is not maintainable inasmuch as the petitioner has invoked the jurisdiction of this Court only for interim relief.

5.Given the limited scope of the present petition, it is not necessary to enter findings on the contentions raised herein. The documents on record clearly disclose that the impugned order was received by the petitioner only on 12.08.2021. As a consequence, the petitioner has not been afforded even the ten days' time in terms of paragraph No.16 of the order impugned. Consequently, the petitioner has made out a case for protection from dispossession for a limited period of time.

6.Accordingly, W.P(MD).No.14761 of 2021 is disposed of by restraining the third respondent from taking any coercive steps to vacate the petitioner from the relevant premises for a period of ten



days from the date of receipt of a copy of this order. It is made clear that if no order of stay is obtained from the appellate forum by such time, the third respondent would be entitled to proceed with action in accordance with law. There will be no order as to costs. Consequently, connected W.M.P(MD).No.11679 of 2021 is closed.

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Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To:

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

2.The Superintendent of Wakfs,
Trichy Circle,
Trichy.

3.The Wakf Inspector,
Trichy District, Trichy.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-26726[F] dated
19/08/2021)

W.P. (MD)No.14761 of 2021

18.08.2021

RS (27.08.2021) 3P 5C