



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

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W.P(MD)Nos.16106, 16107, 16108, 16109 & 16110 of 2021

and

W.M.P(MD)Nos.12967, 12970, 12962, 12965, 12971, 12973, 12975, 12962, 12964, 12966 & 12968 of 2021

M.Kaja Mohideen ... Petitioner in W.P(MD)No.16106/2021
K.Sheik Abdul Kader ... Petitioner in W.P(MD)No.16107/2021
P.Gani ... Petitioner in W.P(MD)No.16108/2021
S.Peer Mohammed ... Petitioner in W.P(MD)No.16109/2021
Rahmath Nisha ... Petitioner in W.P(MD)No.16110/2021

Vs.

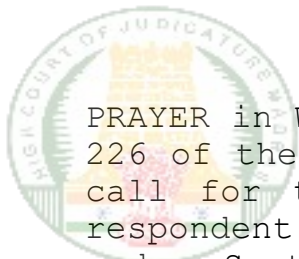
1.The Tamil Nadu Wakf Board,
Rep. by its Chief Executive Officer,
Wakf House No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

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

3.The Estate Officer,
Tamil Nadu Public Premises (Eviction of unauthorized
Occupants) Act, 1975,
Wakf House No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

4.Nawab Wallajah Sahib Pallivasal,
Rep. by its Secretary,
No.31, Cheranmahadevi Road,
Pettai,
Tirunelveli - 620 004.

... Respondents in all W.Ps'



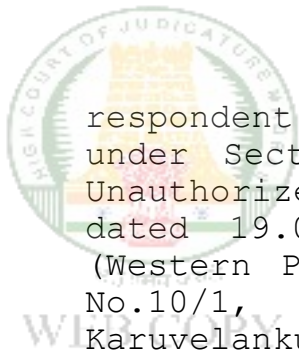
PRAYER in W.P(MD)No.16106 of 2021: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the impugned notice issued by the third respondent herein under case No.PP/35/TNV/2021 dated 24.06.2021 under Section 4 of the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975 and consequential enquiry notice dated 19.08.2021 with respect to the property in Plot No.160 to an extent of 5.51 cents (2400 sq.ft) in Survey No.10/3B, Resurvey No.10/3B7, Old Village No.113, New Village No.78 T.D.No.276, Karuvelankulam Village, Tirunelveli Taluk and District and quash the same as illegal and against the provisions of the said Act.

PRAYER in W.P(MD)No.16107 of 2021: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the impugned notice issued by the third respondent herein under case No.PP/32/TNV/2021 dated 24.06.2021 under Section 4 of the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975 and consequential enquiry notice dated 19.08.2021 with respect to the property in Plot No.183 to an extent of 5-1/2 cents in Survey No.10/1, Old Village No.113, New Village No.78, T.D.No.276, Karuvelankulam Village, Tirunelveli Taluk and District and quash the same as illegal and against the provisions of the said Act.

PRAYER in W.P(MD)No.16108 of 2021: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the impugned notice issued by the third respondent herein under case No.PP/36/TNV/2021 dated 24.06.2021 under Section 4 of the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975 and consequential enquiry notice dated 19.08.2021 with respect to the property in Plot No.43 to an extent of 4.27 cents (1860.826 sq.ft) in Survey No.11/1D, Old Village No.113, New Village No.78, T.D.No.276, Karuvelankulam Village, Tirunelveli Taluk and District and quash the same as illegal and against the provisions of the said Act.

PRAYER in W.P(MD)No.16109 of 2021: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the impugned notice issued by the third respondent herein under case No.PP/33/TNV/2021 dated 24.06.2021 under Section 4 of the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975 and consequential enquiry notice dated 19.08.2021 with respect to the property in Plot No.269 to an extent of 4.60 cents (2000 sq.ft) in Survey No.9, Old Village No.113, New Village No.78, T.D.No.276, Karuvelankulam Village, Tirunelveli Taluk and District and quash the same as illegal and against the provisions of the said Act.

PRAYER in W.P(MD)No.16110 of 2021: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the impugned notice issued by the third



respondent herein under case No.PP/34/TNV/2021 dated 24.06.2021 under Section 4 of the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975 and consequential enquiry notice dated 19.08.2021 with respect to the property in Plot No.221 (Western Part) to an extent of 2.75 cents (1200 sq.ft) in Survey No.10/1, Old Village No.113, New Village No.78, T.D.No.276, Karuvelankulam Village, Tirunelveli Taluk and District and quash the same as illegal and against the provisions of the said Act.

For Petitioner	: Mr.M.Vallinayagam
(In all W.Ps)	Senior Counsel
	for Mr.D.Nallathambi
For RR 1 & 2	: Mr.S.A.Ajmal Khan
(In all W.Ps)	

COMMON ORDER

(Order of the Court was made by **M.DURAISWAMY, J.**)

The petitioners have filed the above Writ Petitions to issue Writs of Certiorari, to call for the records of the impugned notice issued by the third respondent, dated 24.06.2021 under Section 4 of the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975 and consequential enquiry notice dated 19.08.2021 with respect to the properties stated therein and to quash the same.

2.Mr.M.Vallinayagam, learned Senior Counsel appearing for the petitioners submitted that the vendors of the petitioners have filed a Writ Petition in W.P(MD)No.14658 of 2021, challenging the proceedings of the second respondent dated 30.01.2020. The learned Single Judge, by order, dated 18.08.2021 granted an order of interim stay and in spite of the said order, the second respondent proceeded to call upon the petitioners to appear for enquiry by issuing notices dated 19.08.2021. The learned Senior Counsel further submitted that the issuance of the enquiry notices dated 19.08.2021 is a clear violation of the order of interim stay granted by the learned Single Judge on 18.08.2021.

3.Mr.S.A.Ajmal Khan, learned counsel, taking notice for the respondents 1 and 2, on instructions, submitted that the impugned notices, dated 19.08.2021, were issued by inadvertent and that the respondents 1 and 2 would withdraw the same immediately. Further, the learned counsel appearing for the respondents 1 and 2 submitted that he has personally instructed the respondents 1 and 2 not to proceed further in the matter till the disposal of the Writ Petition in W.P(MD)No.14658 of 2021.

4.Mr.M.Vallinayagam, learned Senior Counsel appearing for the petitioners submitted that the submissions made by the learned counsel appearing for the respondents 1 and 2 may be recorded and



the Writ Petitions may be closed.

5. In view of the submissions made by the learned counsel appearing on either side, recording the submissions made by the learned counsel appearing for the respondents 1 and 2, the Writ Petitions are closed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

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Sub Assistant Registrar(CS)

ps

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Chief Executive Officer,
The Tamil Nadu Wakf Board,
Wakf House No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.
2. The Chief Executive Officer,
The Tamil Nadu Wakf Board,
Wakf House No.1, Jaffar Syrang Street,
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3. The Estate Officer,
Tamil Nadu Public Premises (Eviction of unauthorized
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4. Nawab Wallajah Sahib Pallivasal,
Rep. by its Secretary,
No.31, Cheranmahadevi Road,
Pettai,
Tirunelveli - 620 004.



W.P(MD)Nos.16106, 16107, 16108, 16109 & 16110 of 2021

+1 CC to M/s.S.A.AJMAL KHAN, Advocate (SR-28404[F] dated 07/09/2021

W.P (MD) Nos.16106, 16107, 16108,
16109 & 16110 of 2021
07.09.2021

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