



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.14852 of 2022

and

W.M.P.Nos.14059 & 14060 of 2022

Fathima Begum

... Petitioner

Vs.

1.The Estate Officer & Chief Executive Officer,
The Tamil Nadu Wakf Board,
No.1, Jaffar Surang Street,
Vallal Seethakadhi Nagar,
Mannady, Chennai - 600 001.

2.M.Fathima Natchiyar,
Hereditary Muthawalli,
Shavilajat Fakir Dargah Wakf,
402, Boodhakeni,
Pallipadi, Chidambaram Taluk,
Cuddalore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorari, calling for the records relating to the impugned notice issued by the first respondent in Form-A Case No.PP/88/Cudd/2021 dated 27.05.2022 and to quash the same.

For Petitioner : Mr.G.Sankaran

For Respondents:

For R1 : Mr.V.Raghavachari

ORDER

Mr.V.Raghavachari, learned counsel takes notice on behalf of the first respondent.



WEB COPY

2. The petitioner has challenged the impugned notice dated 27.05.2022 issued by the first respondent under the provisions of the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975 as amended by Tamil Nadu Act 33 of 2010.

3. The specific case of the petitioner appears to be that the Inams Tribunal has recognized the petitioner's father as the owner or the property vide its order dated 20.03.1974 in I.A.T. Appeal No.33 of 1970 and in I.A.No.32 of 1974. That apart, it is submitted that the land is also reflected under the Settlement Registrar maintained under the provisions of the Tamil Nadu Minor Inams (Abolition and Conversation into Ryotwari) Act, 1963 and therefore the impugned proceedings at the behest of the second respondent cannot be countenanced. That apart, it is also submitted that the second respondent has also filed a suit before the Tamil Nadu Wakf Tribunal at Chennai in O.S.No.18 of 2021. However, behind the back of the petitioner and during the pendency of the aforesaid proceedings, the impugned notice has been issued, which is clearly without jurisdiction. It is therefore submitted that there shall be an interim stay.

4. The learned counsel for the first respondent on the other hand submits that the writ petition is premature inasmuch as, only a notice has been issued under the provisions of the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975, and that it is open for the petitioner to bring out all the facts before the first respondent.

5. I have considered the arguments advanced by the learned counsel for the petitioner and the learned counsel for the first respondent.

6. I am not convinced with the maintainability of the present writ petition considering the fact that the petitioner has an alternate remedy by way of a reply to the impugned notice. If the petitioner's case is that the petitioner has a title, it is open for the petitioner to reply to the impugned notice. Considering the fact that the second respondent has also filed O.S.No.18 of 2021, the first respondent shall examine the issue in the light of the pendency of the suit before the Tamil Nadu Wakf Tribunal in O.S.No.18 of 2021.

7. The petitioner is therefore directed to give a reply to the aforesaid impugned notice within a period of fifteen days from the date of a receipt of a copy of this order. The first respondent shall pass appropriate orders on merits and in accordance with law, within a period of four weeks thereafter.



8. This Writ Petition stands disposed of with the above observations. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

WEB COPY

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

arb

To

The Estate Officer & Chief Executive Officer,
The Tamil Nadu Wakf Board,
No.1, Jaffar Surang Street,
Vallal Seethakadhi Nagar,
Mannady, Chennai - 600 001.

+1cc to M/s.Raghavachari, Advocate, S.R.No.36273

+1cc to Mr.Sankaran, Advocate, S.R.No.36316

W.P.No.14852 of 2022
and
W.M.P.Nos.14059 & 14060 of 2022

MG (CO)
SB (30/06/2022)