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WP.No.33479 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.33479 of 2022 &

W.M.P.No.32925 of 2022

Janab Y.Allah Baksh Sahib

... Petitioner

Vs

1. The Estate Officer and CEO,
Tamil Nadu Waqf Board,
No.1, Jaffar Sarang Street,
Vallal Seethakathi Nagar,
George Town, Chennai – 600 001.

2. Arapakkam Masjid and Burial Ground Waqf,
[G.S.536/NA] [Reg. No.198]
Rep. by its Secretary, M.Rahim Basha
Office at 4/21A, Bangalore to Chennai Road,
Arapakkam – 632 517, Walaja Taluk,
Ranipet District.

... Respondents

Prayer:- Writ Petition filed under the Article 226 of Constitution of India, to issue a Writ of Certiorari calling for the records relating to the proceedings in No.PP/78/VLR/2021, dated 29.08.2022 on the file of the first respondent and to quash the same.



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For petitioner : Mr.M.Abdul Majeed

For Respondents : Mr.R.Abdul Mubeen – R1

ORDER

This writ petition has been filed to quash the notice issued by the first respondent dated 29.08.2022 for appearance of the petitioner for enquiry on 05.09.2022.

2. The main contention of the petitioner is that reasons for eviction has not been given in the notice, which is mandatory as per Section 4 of Tamil Nadu Public Premises [Eviction of Unauthorised Occupants] Act. Therefore, it is his contention that the notice is bereft of any grounds on which the Order of eviction is to be made and such notice is not maintainable in the eye of law. It is his further contention that he has already questioned jurisdiction of the respondent and filed an application. However, the respondent, without hearing the application, the same has been simply returned to the petitioner. Hence, seeks to quash the entire proceedings.

3. The learned counsel appearing for the respondents submitted that



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after receipt of notice, the petitioner has appeared before the first respondent and participated in the enquiry and filed counter affidavit. Therefore, he cannot challenge the notice of hearing and atmost, he can take all his defence before the first respondent. Hence, opposed the Writ Petition.

4. Though reason has not been specifically stated in the notice, the fact remains that the petitioner has appeared for enquiry pursuant to the above notice and he has also filed the counter affidavit before the first respondent. In such view of the matter, the petitioner can canvass his case before the respondent and the first respondent shall also entertain the other application which has been returned and decide the matter on its own merits.

5. With the above direction, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed No costs.

12.12.2022

vrc

To,



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2. The Secretary, M.Rahim Basha
Arapakkam Masjid and Burial Ground Waqf,
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N.SATHISH KUMAR, J.

VTC

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