



WEB COPY



W.P.No.3111 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2023

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THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.3111 of 2023

The President,
Military Line Pallivasal,
Palayamkottai,
Tirunelveli – 627 002.

.. Petitioner

Versus

1.The Estate Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai – 1.

2.A.Mehaboobjan

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to dispose the petition dated 29.10.2022 filed by the petitioner under the Tamil Nadu Premises (Eviction of Unauthorized Occupants) Act, 1975, and Tamil Nadu Amendment Act, 33/2010, under Section 4, 5 and 7.

For Petitioner : Mr.N.A.Nasir Hussain

For Respondents

For R1 : Mr.G.Mohammed Aseef
Standing Counsel (Wakf Board)



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ORDER

This writ petition has been filed to direct the 1st respondent to dispose the petition dated 29.10.2022 filed by the petitioner under the Tamil Nadu Premises (Eviction of Unauthorized Occupants) Act, 1975, and Tamil Nadu Amendment Act, 33/2010, under Section 4, 5 and 7.

2. It is the case of the petitioner that the Military Line Pallivasal, Palayamkottai, is a registered and notified wakf, under the control of Tamil Nadu Wakf Board. The second respondent herein was leased out the wakf property for a period of 11 months on a monthly rent of Rs.6660/- and the same has been expired on 31.07.2022. Therefore, he was called upon to vacate and hand over the possession through legal notice. Upon which, the second respondent failed to reply. Hence, a representation for eviction under Public Premises Act, has been filed before the first respondent on 29.10.2022. However, the said representation has not been considered by the first respondent and it is still pending.

3. The learned counsel appearing for the first respondent would submit that the representation of the petitioner will be considered and the appropriate order will be passed in accordance with law.



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4. Having regard to the facts and circumstances of the case and the limited relief sought for in this writ petition, this Court is inclined to direct the first respondent to consider the representation of the petitioner dated 29.10.2022 and pass appropriate orders on merits, within a period of one month from the date of receipt of a copy of this Order, after giving an opportunity of hearing to the second respondent.

5. With the above direction, this writ petition stands disposed of. No costs.

07.02.2023

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Index : Yes / No

Speaking Order : Yes / No

To

The Estate Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 1.

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N.SATHISH KUMAR, J.

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