



WEB COPY



W.P.No.3598 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 8.2.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

W.P.No.3598 of 2023

The President

Military Line, Pallivasal, Palayamkottai,
Tirunelveli- 627 002.

... Petitioner

Vs.

1 The Estate Officer

Tamil Nadu Wakf Board, No.1, Jaffer Syrang
Street, Vallal Seethakathi Nagar, Chennai-1.

2 M.Zinda Madhar

... Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the 1st respondent to dispose the Petition dt 29.10.22 filed by the Petitioner under the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act 1975 and Tamil Nadu Amendment Act 33/ 2010 under Sec.4 5 and 7.

For petitioner : Mr.N.A.Nasir Hussain

For respondent No.1 : Mr.G.Mohammed Aseef

ORDER

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



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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 under a lease agreement on a monthly rent of Rs.1960/- and the lease expired on 14.08.2022. Therefore, he was called upon to vacate and hand over the possession through legal notice. However, no reply from the second respondent. Hence, a representation for eviction under Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, has been filed before the first respondent on 29.10.2022. However, the same was not considered by the first respondent which 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.

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.



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5. With the above direction, this writ petition stands disposed of.

No costs.

8.2.2023

Neutral Citation: Yes/No
Speaking/Non Speaking order
Index: Yes/No
vaan
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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