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Writ Petition No.4514 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Dated: 16/2/2023

**C O R A M**

**THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR**

**Writ Petition No.4514 of 2023**

The President  
(K.Syed Abhas  
Military Line Pallivasal  
Palyamkottai  
Tirunelveli 627 002.

...

Petitioner

**Vs**

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

2. Sheik Mohammed Shah

...

Respondents

**PRAYER :** Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the first respondent to dispose of the petition dated 22/8/2022 filed by the petitioner under the Tamil Nadu Premises (Eviction of Unauthorized Occupants) Act, 1975 and under Sections 4, 5 and 7 Tamil Nadu Amendment Act, 33/2010.



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For Petitioners ... Mr.N.A.Nasir Hussain  
For respondents ... Mr.C.Shankar  
for R.1

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**ORDER**

This writ petition has been filed to direct the first respondent to dispose of the petition dated 22/8/2022 filed by the petitioner under the Tamil Nadu Premises (Eviction of Unauthorized Occupants) Act, 1975 and under Sections 4, 5 and 7 Tamil Nadu Amendment Act, 33/2010.

2. It is the case of the petitioner that Military Line Pallivasal, Palayamkottai, Tirunelveli, is a registered and notified wakf, under the control of Tamil Nadu Wakf Board. The second respondent has leased out the wakf property for a period of 11 months on a monthly rent of Rs.11,100/- and the period of lease expired on 31/8/2019. Therefore, he was called upon to vacate and hand over the possession, vide, legal notice, dated 8/11/2021, to which he has given an untenable reply. Hence, a petition has been filed before the first respondent for eviction under the Public Premises Act, on 28/2/2022. Since the same has not been considered so far, petitioner has come forward with the instant writ petition praying for the relief as stated therein.



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3. Heard Mr.N.A.Nasir Hussain, learned counsel for the petitioner.

4. Mr.C.Shankar, learned Standing Counsel for Wakf Board takes notice on behalf of the first respondent.

5. By consent, the writ petition is taken up for final disposal, at the admission stage itself.

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

7. 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 petition of the petitioner dated 22/8/2022 and pass appropriate orders on merits and in accordance with law, within a period of two months, from the date of receipt of a copy of this order, after affording an opportunity of hearing to the second respondent.

**N. SATHISH KUMAR, J**



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

16/2/2023

Index : Yes / No

Internet: Yes

Speaking/non speaking order

mvs.

To

1. The Commissioner  
Chengalpattu Municipality  
Kancheepuram District.

**W.P.No.4514 of 2023**