



WEB COPY



W.P.No.11394 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.11394 of 2023

Mr.A.Mohammed Inayathullah Sheriff

... Petitioner

-Vs-

1.The Chairman

Tamil Nadu Wakf Board
No.1, Jaffer Syrang Street
Vellal Seethakathi Nagar
Chennai 600 001.

2.The Chief Executive Officer

Tamil Nadu Wakf Board
No.1, Jaffer Syrang Street
Vellal Seethakathi Nagar
Chennai 600 001.

3.M.K.Taj Mohamed Sahib's Religious
and Charitable Endowments

Rep. By its Muthavalli
New No.1, Old.No.10, Muktharunnissa
Begum Street, 5th Lane Mount Road
Chennai-2.

.. Respondents

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondent 1 and 2 to consider the representation given by the petitioner on 8.12.2022, for execution of the fresh lease deed in favour of the petitioner.

For Petitioner

Mr.S.Murali Krishnan

For Respondents

Mr.S.Hajamohideen Gisthi
Standing Counsel



W.P.No.11394 of 2023

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the respondents to consider the representation made by the petitioner on 08.12.2022, wherein the petitioner is seeking for the execution of a fresh lease deed in his favour.

2.Heard Mr.S.Murali Krishnan, learned counsel for the petitioner and Mr.S.Hajamohideen Gisthi, learned Standing Counsel for the respondents.

3.It is seen from records that the 3rd respondent had already initiated proceedings against the petitioner under the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975, seeking for eviction of the petitioner from the subject property. An order was passed by the Estate Officer through proceedings in P.P.No.28/CHE/2017, dated 08.06.2020. By virtue of this order, the petitioner has been directed to vacate and hand over the premises within a period of 10 days. This order has also become final. To get over this order, the petitioner has made representation to the respondents for execution of a fresh lease agreement in his favour.

4.The petitioner is attempting to get over the order passed by the Estate Officer, by making a representation in the year 2022, seeking for the execution of fresh lease deed in his favour. The petitioner does not have the legal right to seek for such a relief. This Court can issue a writ of mandamus only where the petitioner establishes a legal right and there is a corresponding legal duty imposed on the respondents. Both these ingredients are missing



W.P.No.11394 of 2023

in this writ petition.

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5.In view of the above discussion, this Court does not find any merits in this writ petition and accordingly the same is dismissed. No costs.

13.04.2023

KP

Internet : Yes/No

Index : Yes/No

Speaking Order:Yes/No

Neutral Citation :Yes/No

To

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N.ANAND VENKATESH, J.



WEB COPY



W.P.No.11394 of 2023

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W.P.No.11394 of 2023

13.04.2023