



WEB COPY



W.P. No. 27482 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2023

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 27482 of 2023

A.Abdul Kadher

... Petitioner

-VS-

1. The Estate Officer,
Under the Tamil Nadu Public Premises
(Eviction of Unauthorized Occupants) Act, 1975,
(TN Act 1 of 1976)
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600001.

2. A.B.Thamim Ansari

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent to conduct enquiry and pass orders on the application in P.P./100/2022 dated 01.08.2022 filed by the Petitioner within a stipulated time.

For Petitioner : Mrs. A.Ajimath Begam

For Respondents : Mr. S.Haja Mohideen Gisthi,
Standing Counsel (for R1)

Mr. S.Thirumavalavan (for R2)



W.P. No. 27482 of 2023

ORDER

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Heard Mrs. A.Ajimath Begam, Learned Counsel for the Petitioner, Mr. S.Haja Mohideen Gisthi, Learned Standing Counsel appearing for the First Respondent and Mr. S.Thirumavalavan, Learned Counsel for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. Having regard to the nature of order proposed to be passed in the Writ Petition, which would not cause any prejudice to the Second Respondent, notice to him is dispensed with.

3. The grievance ventilated by the Petitioner is that the Second Respondent is an unlawful occupation of the property belonging to Ghoutia Association, which is a waqf and though a application in P.P./100/2022 dated 01.08.2022 has been made before the First Respondent for eviction of the Second Respondent from that property under the provisions of the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975, as amended by the Tamil Nadu Act 36 of 2010, but it did not evoke any response, which has



W.P. No. 27482 of 2023

necessitated the filing of this Writ Petition.

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4. The First Respondent has filed Counter-Affidavit dated 15.11.2023 stating that enquiry was conducted on 22.02.2023, 17.03.2023 and 25.05.2023 and the matter had been adjourned at the request of the parties for filing Counter and stands posted to 21.11.2023 for further hearing of the case

5. In such circumstances, all parties concerned including the Petitioner and the Second Respondent shall attend the said hearing as well as on the subsequent dates to which it is adjourned and extend their co-operation for the expeditious disposal of the matter and there shall be atleast one effective hearing every month showing progress of the case. It shall be incumbent upon the First Respondent to afford full opportunity of hearing to all parties concerned following the prescribed procedure in consonance with the principles of natural justice, deal with each of the contentions raised and pass reasoned orders on merits and in accordance with law and communicate the decision taken to them under written acknowledgment. The report of such compliance shall be filed before the Registrar (Judicial) of the Court.



W.P. No. 27482 of 2023

WEB COPY In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

15.11.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 08.01.2024.

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To

The Estate Officer,
Under the Tamil Nadu Public Premises
(Eviction of Unauthorized Occupants) Act, 1975,
(TN Act 1 of 1976)
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600001.

Copy to

1. A.Abdul Kadher,
S/o. Abdul Jabbar Maraicayar,
Secretary,
Ghoutia Association,
Nagore – 611002,
Nagapattinam District.
2. A.B.Thamim Ansari,
S/o. Late G.Amir Basha,
No.7, Kalifa Sahib Street,
Nagore,
Nagapattinam District.



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W.P. No. 27482 of 2023

P.D. AUDIKESAVALU, J.

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W.P. No. 27482 of 2023

15.11.2023