



WEB COPY



W.P. No. 32227 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2023

CORAM

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

W.P. No. 32227 of 2023

Madarasa Dawoodia Arabic College Waqf
Rep by its President,
H.A.Mohamed Hasan Ali,
S/o. Ahmed Ibrahim,
No. 107, Bramana Periya Agraharam Village,
Bavani Main Road, Erode – 638 005,
Erode Taluk and District.

... 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 – 600 001.

2. C.A.Ubaithur Rahman

3. C.U.Bilal Ahmed

4. C.U.Ansar

... 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. 146/2021 dated



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01.08.2019 filed by the Petitioner within a stipulated time.

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For Petitioner : Ms. A.Ajimath Begam

For Respondent : Mr. M.Fakkir Mohideen (for R1)

ORDER

Heard Ms. A.Ajimath Begam, Learned Counsel for the Petitioner, Mr. M.Fakkir Mohideen, Learned Counsel appearing for the First 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 to Fourth Respondents, notice to them is dispensed with.

3. The Writ Petition has been filed seeking for a direction to the First Respondent to conduct enquiry in the application in P.P. 146/2021 dated 01.08.2019 filed by the Petitioner and pass orders therein within time limit stipulated by the Court.



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4. In response, the First Respondent has filed memo dated 16.11.2023

stating as follows:-

“1. I respectfully state that the petitioner filed application under the provision of Public Premises (Eviction of Unauthorized Occupants) Act, 1975 on the same is pending in PP 146 of 2021 and show cause notice was issued on 11.11.2022 to all the respondents.

2. I respectfully state that the notices were issued for the appearance of the parties dated 14.12.2022, 21.02.2023, 17.03.2023, 25.05.2023 and on the aforesaid dates only the petitioner and 3rd respondent were present and the matter was posted for further enquiry on 08.11.2023.

3. I further respectfully state that on 08.11.2023 R2 and R4 were Set Ex-parte. Further the matter is posted for counter on 16.11.2023 and the case is still pending for further enquiry. Hence the PP Case is in progress.”



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To

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Copy to

1. H.A.Mohamed Hasan Ali,
S/o. Ahmed Ibrahim,
President,
Madarasa Dawoodia Arabic College Waqf,
No.107, Bramana Periya Agraharam Village,
Bavani Main Road, Erode – 638005,
Erode Taluk and District.
2. C.A.Ubaithur Rahman,
S/o. C.A.Amanullah,
Old No. 66, 67, 68, New No. 4,
Rithika Fashion, Muthurangam Road,
Erode Taluk and District.
3. C.U.Bilal Ahmed,
S/o. C.A.Ubaithur Rahman,
Old No. 66, 67, 68, New No. 4,
Rithika Fashion, Muthurangam Road,
Erode Taluk and District.
4. C.U.Ansar,
S/o. C.A.Ubaithur Rahman,
Old No.66, 67, 68, New No. 4,
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P.D. AUDIKESAVALU, J.

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