



WEB COPY



W.P.No.4527 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.4527 of 2021

and

W.M.P.Nos.5141 & 6353 of 2021

Krishnan

.... Petitioner

Vs

1. F.Dilavar Ali,
S/o.K.Mohamed Faiz Ali,
Hereditary Muthavalli,
Hazarath Fatheh Shah Masthan Dargah-E-Sheriff,
No.237, Old Door No.114,
Lingi Chetty Street,
Chennai – 600 001.

2. The Managing Committee,
Masjide Mamoor Wakf,
Old No.168, New No.186,
Angappa Street,
Chennai – 600 001.

3. Dr.D.Faritha Banu,
Estate Officer,
Waqf House No.1,
Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

.... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, calling for the records culminating in the impugned show cause notice dated 07.01.2021 (Case No.PP/6/CHE/2021) issued by the third respondent and quash the same.

For Petitioner : Mr.Shaikh Mehrunisa



WEB COPY



W.P.No.4527 of 2021

For R1 : Mr.A.Mohan
For R2 : Mr.I.Kowser Nissar
For R3 : Mr.C.Shankar

ORDER

This Writ Petition has been filed challenging the show cause notice dated 07.01.2021 issued by the third respondent under Section 4 of the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act, 1975 dated 07.01.2021.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. It is seen that the Act is now struck down so far as the Wakf property is concerned under the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act, 1975. Therefore, the impugned show cause notice dated 07.01.2021 cannot be sustained and is liable to be quashed.

4. In view of the above, the show cause notice dated 07.01.2021 issued by the third respondent, is hereby quashed. However, the second respondent is at liberty to take appropriate action as against the petitioner for



W.P.No.4527 of 2024

eviction in the manner known to law..

WEB COPY

5. In the result, this writ petition stands allowed. Consequently, connected miscellaneous petitions are closed. No costs.

07.06.2024

Internet : Yes
Index : Yes/No
Neutral Citation : Yes/No
Lpp



WEB COPY



W.P.No.4527 of 2021

G.K.ILANTHIRAIYAN, J.

Lpp

W.P.No.4527 of 2021
and
W.M.P.Nos.5141 & 6353 of 2021

07.06.2024