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W.P.No.14337 of 2024
& W.M.P.Nos.15562 & 15563 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.05.2024

CORAM:

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.14337 of 2024

&

W.M.P.Nos.15562 & 15563 of 2024

Sunnath Janath Jamiya Masjid
@ Pennagaram Masjid
Rep. By its Muthawalli
Dharmapuri Main Road
Pennagaram
Dharmapuri

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Petitioner

versus

1. The Estate Officer cum Chief Executive Officer
The Tamil Nadu Waqf Board
No.1, Jaffer Syrang Street
Vallal Seethakathi Nagar
Chennai – 600 001
2. Md.Kamal Basha
3. M/s. Adhiman Cooperative Medicals
Rep. By its Manager
No.95, Masjid Koil Street, Pennagaram Taluk
Dharmapuri District – 636 810
4. The Manager
Axis Bank – Pennagaram Branch
Nethaji Bye-Pass Road, Opp. to Government Hospital



Masjid Koil Street, Pennagaram Taluk
Dharmapuri District – 636 701

5. P.R.Sadiq Basha

6. Dawood Ali

7. Iliyas

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records of the first respondent in PP No.25/DPI/2022 dated 29.02.2024 and thereby quash the same.

For Petitioner : Mr.A.Ajimath Begum

For Respondents : Mr.S.Haja Mohideen Gisthi for R1

ORDER

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. Heard Ms.A.Ajimath Begum, learned counsel for petitioner and Mr.S.Haja Mohideen Gisthi, learned Standing Counsel for the first respondent.

3. The petitioner challenges the proceedings initiated by the first respondent under the provisions of Tamil Nadu Public Premises (Eviction of



Unauthorised Occupants) Act, 1975 in so far as it is applicable to Tamil Nadu Wakf Board.

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4. By an order dated 23.04.2024 in W.P.No.20553 of 2023 [*Mohmood Hussain Vs. State of Tamil Nadu and others*], the first Bench of this Court has declared that the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Amendment Act 33 of 2010 is unconstitutional.

5. Since the Division Bench has already declared the Act to be unconstitutional, no proceedings can be initiated under an Act which has been declared as a nullity. Consequently, following the Division Bench order of this Court, this Writ Petition is allowed and the proceedings in PP No.25/DPI/2022 dated 29.02.2024 made by the first respondent is quashed. No costs. Consequently, connected Miscellaneous Petitions are closed.

29.05.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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V.LAKSHMINARAYANAN, J.

gpa / sri

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