



CONT P(MD)No.790 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2024

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**CONT P(MD)No.790 of 2024**

R.Akbar,  
The Secretary,  
Abubaker Siddik (Rali) Jumma Pallivasal,  
No.694, Main Road, Madakkupatti,  
Sivagangai Taluk, Sivagangai District.

... Petitioner

vs.

Jainalabudeen,  
The Estate Officer cum Chief Executive Officer,  
Tamil Nadu Waqf Board,  
No.1, Jaffar Syrang Street,  
Vallalseethakathi Nagar,  
Chennai.

... Contemnor

**PRAYER:** Petition filed under under Section 11 of the Contempt of Court Act, 1971, to punish the respondent for wilfully disobeying and not complying with the order of this Court, dated 22.09.2023, in W.P.(MD)No.23230 of 2023.

For Petitioner : Mr.M.Mahaboob Athiff

For Contemnor : Mr.D.S.Haroon Rasheed

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## **ORDER**

The contempt petition is filed alleging disobedience of the order passed by this Court.

2. The writ petition was filed for Mandamus to direct the respondents to consider and pass orders in the statutory application, dated 11.09.2023 to remove the unauthorized occupants. This Court directed the respondents to carry out statutory obligation under the provisions of Waqf Act read with Tamil Nadu Public Premises Eviction of Unauthorized Occupants Act, 1975, as amended by Act 33 of 2010.

3. The learned Counsel for the contemnor brought to the knowledge of this Court that the Hon'ble First Bench of High Court had considered whether the Tamil Nadu Public Premises Eviction of Unauthorized Occupants Act, 1975, can be invoked to evict the persons who are occupying lands of Waqf. The Hon'ble Division Bench of this Court has held that the said Act is not applicable for the



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same. However, the application by the respective of Waqf should be presented to CEO who can act as per Waqf Act. The Hon'ble Division Bench of this Court has made it clear that the application shall be filed by the CEO or by the respective Waqfs before Waqf Tribunal. Therefore, the petitioner as well as the CEO is directed to make appropriate application before the Tribunal and the unauthorized occupants may be dealt with as per law after obtaining appropriate orders from the Tribunal.

4. Accordingly, with the above direction the contempt petition is closed.

No costs.

Index : Yes / No  
Internet : Yes

**26.04.2024**

Tmg



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To

- 1.The Chief Educational Officer,  
Office of the Chief Educational Office,  
Collectorate Building,  
Tirunelveli District.
- 2.The District Educational Officer,  
Office of the District Educational Office,  
National Highway 40,  
Tirunagar, Tirunelveli Town,  
Tirunelveli District.



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**S.SRIMATHY, J**

Tmg

Order made in  
CONT P(MD)No.790 of 2024

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