



WEB COPY



W.P.Nos.17017, 17021 and 17024 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.Nos.17017, 17021 and 17024 of 2021
and W.M.P.Nos.18033, 18035 and 18037 of 2021**

Farook Basha

... Petitioner in all petitions

Vs.

1.The Estate Officer,
Under the Tamil Nadu Public Premises
(Eviction of Unauthorised Occupants) Act, 1975,
(TN Act 1 of 1976),
“Wakf House”, No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai-1.

2.The Executive Officer,
Rokiah Bi Waqf,
Old No.43, New No.30, Janijahan Khan Road,
Royapettah, Chennai-14.

3.The Superintendent of Wakf,
Chennai Zone,
Office of the Superintendent of Wakf,
139, Dr.Besant Road, Ice house,
Chennai-5.

... Respondents in all petitions



W.P.Nos.17017, 17021 and 17024 of 2021

COMMON PRAYER : Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records of the first respondent in Case No.PP.No.11/CHE/2021, Case No.PP.No.8/CHE/2021, Case No.PP.No.9/CHE/2021 dated 12.07.2021 and quash the same.

In all petitions

For Petitioner : Mr.N.A.Nassir Hussain
for Mr.N.A.Nissar Ahmed

For Respondents : R1-No appearance
Mr.C.Shankar for R2 and R3

COMMON ORDER

The writ petitioner challenges the orders dated 12.07.2021 issued by the first respondent under the provisions of the Tamil Nadu Public Premises (Eviction of unauthorized Occupants) Act, 1975.

2. It is brought to the notice of this Court that the Hon'ble First Division Bench of this Court, vide order dated 23.04.2024, in W.P.Nos.20553 of 2024 etc., has held that the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Amendment Act 33 of 2010 is declared to be void qua the Waqf Act and hence, ultra vires the constitution. It was also made clear that on application by the respective Wakf (s) or



W.P.Nos.17017, 17021 and 17024 of 2021

otherwise, the Chief Executive Officer will be entitled to move such application before the Wakf Tribunal under the Wakf Act, 1995 against the petitioners or such encroachers and the Tribunal shall consider the same in accordance with law.

3. Admittedly, the issues involved in these writ petitions are in similar lines and accordingly, following the decision taken by the Hon'ble First Division Bench of this Court vide order dated 23.04.2024, these writ petitions are allowed and the impugned orders dated 12.07.2021 passed in Case No.PP.No.11/CHE/2021, Case No.PP.No.8/CHE/2021, Case No.PP.No.9/CHE/2021, are quashed. However, liberty is granted to the respondents to proceed with the eviction proceedings by invoking the power under Wakf Act. There shall be no order as to costs. Connected miscellaneous petitions are closed.

02.09.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb



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To

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M.DHANDAPANI, J.

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