



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**WP Nos. 16754 & 16758 of 2021
and WMP Nos. 17716 & 17720 of 2021**

Basith

Petitioner in both W.Ps

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.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 both W.Ps



PRAYER Writ Petition filed under Article 226 of the Constitution of India for

issuance of a Writ of Certiorarified Mandamus, calling for records of the 1st respondent in Case Nos.PP.No.12/CHE/2021 & PP.No.13/CHE/2021, dated 12/7/2021 respectively and quash the same.

For Petitioner(s): Mr.N.A.Nissar Ahmed
in both W.P.s

For Respondent(s): Mr.C.Shankar
in both W.Ps Standiang Counsel
for R1 to R3

ORDER

These writ petitions have been filed challenging the notice issued by the 1st respondent dated 12.07.2021 under Section 4 of the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975.

2.Heard Mr.N.A.Nissar Ahmed, learned counsel appearing on behalf of the petitioner and Mr.C.Shankar, learned Standing Counsel appearing on behalf of respondents 1 to 3.



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3. The Division Bench of this Court in *Mohmood Hussain vs. State of Tamil Nadu, rep. by its Secretary, Namakkal Kavignar Maaligai and Others*

reported in **2024 4 CTC 337** concluded that the Board cannot invoke the provisions of Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975 and they can only proceed further under the Waqf Act.

4. In view of the above, the impugned proceedings of the 1st respondent dated 12.07.2021, are unsustainable and the same are quashed. It is left open to the Board to proceed further under the Waqf Act for evicting the petitioner from the subject property after following the procedure.

5. These writ petitions are disposed of in the above terms. No Costs. Consequently, connected miscellaneous petitions are closed.

17-06-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

ssr



To
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N.ANAND VENKATESH J.

SSR

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