



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-06-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**WP No. 1295 of 2023
and WMP No. 1339 of 2023**

1. Swaminathan
2. S.Marry Antoney
3. S.Sathish
4. Vimaladevi

Petitioner(s)

Vs

1. The District Collector
Cuddalore District.
- 2.The Tahsildar
Chidambaram Taluk, Cuddalore District
- 3.The Block Development officer
Panchayat Union Office, Kumaratchi,
Chidambaram Taluk.



WEB COPY

4.The Panchayat President
C.Thendesvaranallur Panchayat
Chidambaram Taluk,
Cuddalore District.

5.The Estate Officer
Tamil Nadu Public Premises (Eviction
of Unauthorized Occupants) Act 1975
Wakf House, No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.

6.M/s.Lalkhan Mosque Wakf
rep by its Secretary
Mr.R.Mohammed Ziyaudeen
No.1,Kothavall Street,
Chidambaram,
Cuddalore District.

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned notice dated 05.12.2022 made in PP/119/CUDD/2021 issued by the 5th respondent and quash the same as null and void.

For Petitioner(s): Dr.K.Sundarraaj

For Respondent(s): Mr.V.R.R.Elamparithi



WEB COPY



3/7

WP No. 1295 of 2023

Additional Government Pleader
for R1 and R2

Dr.S.Suriya

Additional Government Pleader
for R3 and R4

Mr.Haja Mohideen Gisthi
for R5

ORDER

This writ petition has been filed challenging the impugned notice dated 05.12.2022 issued by the 5th respondent under the provisions of the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975.

2.Heard Dr.K.Sundarraaj, learned counsel appearing on behalf of the petitioners, Mr.V.P.R.Elamparithi, learned Additional Government Pleader appearing on behalf of respondents 1 & 2 and Mr.Haja Mohideen Gisthi, learned counsel appearing on behalf of the 5th respondent.

3.The main ground that was raised on the side of the petitioners is that the 6th respondent is the actual owner of the property and the Waqf Board does not have the jurisdiction to issue such a notice.



WEB COPY

4.It is not necessary for this Court to go into this issue, since the very power and jurisdiction of the Waqf Board to initiate eviction proceedings under the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975, is under question. The issue is no longer *res integra* and it is covered by the judgment of the Division Bench in W.P.No.20553 of 2023 etc., dated 23.04.2024 in the case of Mohammed Hussain vs. State of Tamil Nadu. The Division Bench has held that if the person is in occupation of the Waqf property, he can be evicted only by applying the Waqf Act, 1995 and the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975, was declared to be void *qua* the Waqf Act. Therefore, the impugned notice is liable to be set aside on that ground. It goes without saying that if the petitioners have not been evicted till date, it will be left open to the Chief Executive Officer to move an application before the Waqf Tribunal and seek for the eviction which will be dealt with in accordance with law and accordingly, the impugned notice dated 05.12.2022, issued by the 5th respondent is hereby quashed.



WEB COPY

5.This writ petition stands allowed in the above terms. No Costs.

Consequently, connected miscellaneous petition is closed.

11-06-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

ssr



WEB COPY

To

1.The District Collector
Cuddalore District.

2.The Tahsildar
Chidambaram Taluk, Cuddalore District

3.The Block Development officer
Panchayat Union Office, Kumaratchi,
Chidambaram Taluk.

4.The panchayat President
C.Thendesvaranallur Panchayat
Chidambaram Taluk,
Cuddalore District.

5.The Estate Officer
Tamil Nadu Public Premises (Eviction
of Unauthorized Occupants) Act 1975
Wakf House, No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.



WEB COPY



7/7

WP No. 1295 of 2023

N.ANAND VENKATESH J.

SSR

WP No. 1295 of 2023

11-06-2025