



W.P.(MD)No.5219 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5219 of 2025

N.P.K.S.Mohamed Nainar

: Petitioner

Vs.

1. The President,
Tamil Nadu Wakf Board,
Wakf House, No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

2. The Estate Officer/chief Executive Officer,
Tamil Nadu Wakf Board,
Wakf House,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

3. The Inspector of Wakfs,
Madurai Division,
Wakf Superintendent Office,
No.1, Town Hall Road,
Pallivasal 2nd Floor,
Madurai - 625 001.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents not to



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carryout the Process of Eviction under Section 4 and 5 of the Tamil Nadu Public Premises Eviction of Unauthorised Occupants Act, 1975 based on the order in WP(MD).No. 1620 of 2023 by this Honble Court and further directing the 2nd respondent pass an order in PP/61/MDU/2023 on the basis of the representation dated 04.02.2025.

For Petitioner : Mr. Safar Badusha

For Respondents : Mr.D.S.Haroon Rasheed

ORDER

This writ petition has been filed for a Writ of Mandamus, directing the respondents not to carryout the process of eviction under Sections 4 and 5 of the Tamil Nadu Public Premises Eviction of Unauthorised Occupants Act, 1975, based on the order in WP(MD).No. 1620 of 2023 passed by this Court and further, directing the second respondent to pass appropriate order in PP/61/MDU/2023, by considering the representation of the petitioner dated 04.02.2025.

2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

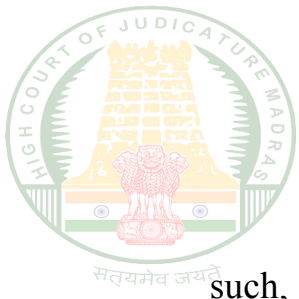


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3. The petitioner claims that he is the rightful occupant of the dry land in Survey No.T.S. No. 228, Block No. 6, measuring 3 acres 60 cents, located in Bodi Town, Theni District, which has been declared as Wakf land by the Tamil Nadu Wakf Board. A civil case regarding the title of the land is currently pending before the Tamil Nadu Wakf Board Tribunal, Chennai. Earlier, this Court, allowed W.P. (MD) No.1620 of 2023, filed by the second respondent seeking for removal of unauthorized occupants. Subsequently, the respondents issued a notice to the petitioner. In response, the petitioner filed a petition in PP/61/MDU/2023 before the second respondent. However, no orders have been passed in the petition thus far. The petitioner also submitted a detailed representation on 04.02.2025, requesting the second respondent to issue appropriate orders, but no action has been taken. As a result, the petitioner has now filed the present writ petition.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As



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such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the second respondent, to consider the petitioner's representation dated 04.02.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of four weeks from the date of receipt of a copy of this order. Until such an order is passed, the *status quo* shall be maintained by the second respondent. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the second respondent to consider the same on its own merits.



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6. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

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Index : Yes / No

Internet : Yes / No

PKN

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VIVEK KUMAR SINGH, J.

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