



W.P.(MD)No.27683 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2025

CORAM

**THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

**W.P.(MD)No.27683 of 2024**

**and**

**W.M.P.(MD)No.23495 of 2024**

Tamil Nadu Electricity Board,  
Represented by its,  
Superintending Engineer,  
N.R.T.Nagar, Theni,  
Theni District.

...Petitioner

Vs

1.The Estate Officer,  
Under the Tamil Nadu Public Premises,  
[Eviction of Unauthorized Occupants Act, 1975],  
Waqf House No.1,  
Jaffer Syrang Street,  
Vallal Seethakathi Nagar,  
Chennai – 600 001.

2.Chinnamanur Karukattankulam,  
Mishkin Levai Dharka Muthawalli,  
M.Sagupar Sathik,  
S/o.S.Mohideen Abdul Katheer,  
Chinnamanur,  
Theni District.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order in Case No.PP.8/MDU/2022, dated 20.11.2023, issued by the first respondent and quash the same as illegal.



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For Petitioner : Mr.S.Deenadhayalan

For R-1 : Mr.S.A.Ajmal Khan  
Standing Counsel

For R-2 : Mr.D.Sivaraman

### **ORDER**

Heard Mr.S.Deenadhayalan, learned counsel for the petitioner, Mr.S.A.Ajmal Khan, learned Standing Counsel for the 1<sup>st</sup> respondent and Mr.D.Sivaraman, learned counsel for the 2<sup>nd</sup> respondent.

2. The Writ Petition is filed seeking to quash the impugned order in Case No.PP.8/MDU/2022, dated 20.11.2023, issued by the first respondent.

3. The issued involved in this Writ Petition is already covered by the judgment of the Division Bench of this Court in the case of ***Mohmood Hussain Vs State of Tamil Nadu (W.P.No.20553 of 2023 dated 23.04.2024)*** reported in ***2024 (4) CTC 337***. In view of the well-settled position of law, the provisions of the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Amendment Act, which was



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struck down by the Division Bench of this Court, do not apply to the property belonging to the second respondent.

4. In such view of the matter, the proceedings impugned in the writ petition are wholly without jurisdiction. On this ground alone, the impugned order is liable to be set aside, and is accordingly set aside. However, the second respondent is at liberty to substantiate their right over the property before the appropriate civil court. The merits of the contentions raised by the petitioner and the second respondent are not considered, as this Court has already held that the initiation of proceedings under the Act of 1975 is without jurisdiction.

5. In fine, the Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

**20.01.2025**

NCC:yes/no  
Index:yes/no  
Internet:yes/no  
Nsr



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**K.KUMARESH BABU, J.**

Nsr

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