



WP No. 18707 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

W.P.No. 18707 of 2024

and

W.M.P.Nos.20515, 20517 and 20518 of 2024

Loganathan

..Petitioner

Vs

1. The State of Tamil Nadu,
Represented by its Secretary,
Namakkal Kavignar Maaligai,
Fort St. Goerge,
Chennai -600 009.
2. The Estate Officer & The Chief Executive
Officer, Tamil Nadu Waqf Board,
No. 1, Jaffer Syrang Street,
Vallai Seethakathi Street, Chennai -600 001.
3. Superintendent of Waqf,
Office of the Superintendent of Waqf,
Tamil Nadu Waqf Board, 139,
Dr. Besant Road, Chennai -600 005.
4. The Secretary,
Nawab Fazilathunissa Begum Sahib Mosque
and Endowment Wakf, New No. 796, Old No.
419, Anna Salai, Nandanam,
Chennai -600 035.

..Respondents



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Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in CASE No. PP.No. 44/CHEN/2021 and the order dated 08.06.2022 and quash the same and consequently, direct the 3rd and 4th respondents to hand over the possession of the subject premises to the petitioner.

For Petitioner : Mr.Vigneshwar Elango

For Respondents : Ms.V.Yamunadevi
Special Government Pleader For R1
Mr.Abdul Mubeen
Standing Counsel for RR 2 and 3
Mr.N.A.Nissar Ahmed – for R4

ORDER

The petitioner claims to be a tenant under the 4th respondent Waqf for the premises in question by virtue of a lease agreement dated 07.05.1999. In the year 2021, the 4th respondent issued a notice to the petitioner directing to vacate and hand over vacant possession of the premises, pursuant to which, the 4th respondent filed a petition before the 2nd respondent against the petitioner. The said petition was allowed and the petitioner was declared as unauthorised occupant. Aggrieved by the same, the petitioner preferred an appeal in C.M.A.No.16 of 2023 before the City Civil Court, Chennai, which was

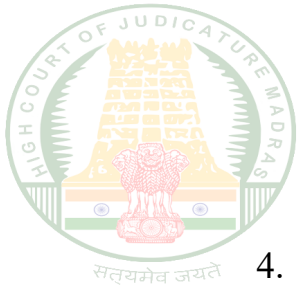


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dismissed vide order dated 18.06.2024. The petitioner is now before this court challenging the order dated 08.06.2022 passed by the 2nd respondent, whereby he was declared as unauthorised occupant and for a consequential direction to the 3rd and 4th respondents to hand over possession of the property to the petitioner.

2. Learned counsel for the petitioner places reliance upon the common order passed by the Hon'ble Division Bench of this Court in W.P.Nos.20553 of 2013 etc., dated 23.04.2024 in a batch of writ petitions, whereby, this Court held the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Amendment Act 33 of 2010 as repugnant, void and ultra vires of the Constitution, and submits that the action taken by the 2nd respondent in respect of the subject property under the said Act, is without jurisdiction and void and therefore the order passed by the 2nd respondent has no jurisdiction to deal with it. Claiming so, the petitioner seeks to set aside the impugned order.

3. Heard the learned counsel for the respondents and perused the counter affidavit filed by the 2nd respondent.



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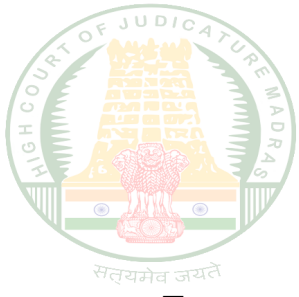
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4. It is brought to the notice of this Court that, pursuant to the order passed by the 2nd respondent, against which the petitioner though has preferred an appeal in CMA No.16 of 2023, no interim stay of the impugned order dated 08.06.2022 was passed by the Estate Officer. That apart, pursuant to the impugned order, possession has already been taken over by the 4th respondent and therefore, the reliance placed by the petitioner on the order passed by the Hon'ble Division Bench of this Court dated 23.04.2024 would be of no avail to him as the said order would operate only retrospectively, before which date the possession was already taken over. Further, the petitioner if aggrieved against the order passed by the 2nd respondent, has a remedy to file an appeal before the Waqf Tribunal and therefore, cannot seek a remedy under Article 226 of the Constitution before this Court.

5. In view of the above discussion, this Writ Petition stands closed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
ssb



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To

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Officer, Tamil Nadu Waqf Board, No. 1, Jaffer
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