

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP.No.15571 of 2016

The Pattur Jamia (Big) Mosque
Managing Committee, Pattur,
Mangadu, Chennai - 600 122.

Rep. by its Secretary Mr.S.Gulabdeen ... Petitioner
Vs

The State,
Rep by Inspector of Police,
T-14, Mangadu Police Station,
Mangadu, Chennai - 600122. ... Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondent herein to register an FIR based on the complaint dated 03.05.2016 made by the petitioner committee.

For Petitioner :Mr.E.Mohamed Ehiya

For Respondent :Mr.C.Emalias,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the respondent to register an FIR on the complaint dated 03.05.2016 made by the petitioner committee.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3. It is the case of the petitioner that the land in question measuring 2.2.3 acres is a wakf property and earlier the wakf board permitted the Government to put up a Government School in one portion of the property. Accordingly, the school is run from the year 2002 for the benefit of the local villagers. While so, adjoining the existing school there is about 55 cents of vacant land and the Headmistress of the school appears to have written a communication to the Tahsildar saying that the land also belongs to the school and with the fund allotted by the Central Government, a new building can be established.

4.The learned counsel for the petitioner submitted that such a representation is an erroneous representation inasmuch as the land in question does not belong to the school, but it belongs to the wakf board, which has been distorted by the school Headmistress. That apart, the learned counsel submitted that one Abdul Rahman, who is stated to be the President of Parent Teacher Association is actively involved in expanding the existing school in 55 cents of land with oblique motives.

5. In the considered opinion of this Court, on a reading of the communication sent by the Headmistress to the Tahsildar, it only shows that she does not know the subtle difference between the wakf property and the school property. After all the expansion of existing school in that area will only benefit hundreds of poor children living in the villages. If wakf board wants to reclaim the land and not permitting to expand the existing school, it is of course for the wakf board to tell the Government not to establish a new building or to expand the existing school in the said land.

6. Therefore, this is not a fit case for a direction to the respondent Police to register an FIR and conduct the police investigation.

With the above observation, the petition is dismissed with liberty to the petitioner committee to work out their remedy in the manner known to law.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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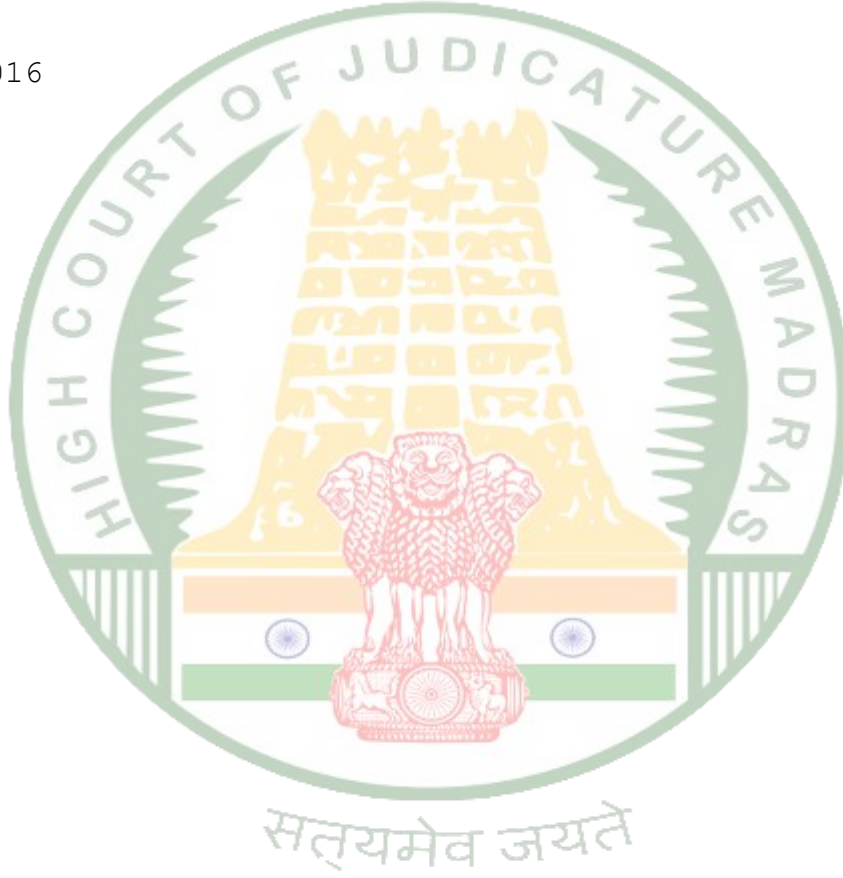
1.The Inspector of Police,
T-14, Mangadu Police Station,
Mangadu, Chennai - 600122.

2.The Public Prosecutor,
High Court, Chennai.

+2 ccs to Mr.Azizulla khan Advocate sr 47659

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