

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.1.2016

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH

W.P.No.3254/16 & WMP.No.2684/16, W.P.No.3152/2016 &

WMP.No.2590/16 and W.P.No.1986/16 & WMP.No.1729/16

Ahlu Sunnath Wal Jamaath's Federation, Rep. by its Organizer
Moulana Syed Ali Akbar S/o. Late Dr.Syed
Fayaz Peeran No.18, Jani Jahan Khan Road
Royapettah Chennai 14. Petitioner in W.P.No.3254/16

Hindu Munnani Rep. by its
Member of State Executive Committee
T.Manohar Having head office at Sri Sakthi
Vinayagam 59 Ayya Mudali Street
Chintadripet Chennai-600 002 Petitioner in W.P.No.3152/16

Tamil Nadu Sunnath Jamaath
No.307/114 Khasim Plaza 1st Floor
Triplicane High Road Triplicane Chennai-5
Rep. herein by its Convenor M.Sulaiman.
Son of Mohamed Gani,
No.2, 2nd Street, Asad Nagar,
Aminjikarai, Chennai - 600 009.... Petitioner in W.P.No.1986/16

vs.

- 1 Government of Tamil Nadu
Rep. by the Home Secretary, Department of
Home, Fort St George, Chennai-09.
- 2 The Director General of
Police, Office of the Director General of
Police, Kamarajar Salai, Mylapore, Chennai-04.
- 3 The Commissioner of Police
Tiruchy City, Tiruchy.

4. The Superintendent of Police
Tiruchy District, Tiruchy.

5. Tamilnadu Thouheed Jamaath (TNTJ for short)
30, Armenian Street, Chennai-600 001.

... Respondents in W.P.No.3254/16

1 The Secretary
Home Department Government of Tamil Nadu
Secretariat Chennai-9

2 The Secretary
Ministry of Home Affairs Union of India
North Block Central Secretariat, New Delhi-
110 001

3 The Director General of Police
Tamil Nadu Dr.Radhakrishnan Road Mylapore
Chennai-4

4 The Superintendent of Police
Tiruchy City Pudukottai Road
Subramaniapuram Tiruchirappalli-620 020

5 Tamil Nadu Touheeth
Jamaath Rep. by its President having
office at No.30 Armenian Street Chennai-
600 001 ... Respondents in W.P.No.3152/16

1 Government of Tamil Nadu
Rep. by the Home Secretary Department of
Home Secretariat Fort St. George Chennai-9.

2 The Director General of Police
Office of the Director General of Police
Kamarajar Salai Mylapore Chennai-4.

3 The Superintendent of Police
Trichy District Trichy.

4 Tamil Nadu Thawheed Jamaath
Functioning at No.30 Armenian Street
Chennai-1.

5. Tipusultan Peoples' Front Regn. No.80/15

rep. by its President, O.No.151.N.No.313,

Thambu Chetty Street, Chennai-600 001.

(5th respondent impleaded as per the order of this
Court dated 29.1.2016 in WMP.No.2555/16) in WP.No.1986/16
... Respondents in W.P.No.1986/16

Prayer in W.P.No.3254/16: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus forbearing the Respondents 1 to 4 from granting permission to the Tamilnadu Thouheed Jamaath (TNTJ for short) having office at 30 Armenian Street Chennai-01 the fifth Respondent herein for conducting its Destruction of shirk Conference to be held on 31-1-2016 at Triuchy.

Prayer in W.P.No.3152/16: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents 1, 3 and 4 to ban the Shirk Abolition Conference to be held by the 5th respondent herein on 31.01.2016 in Tiruchy.

Prayer in W.P.No.1986/16: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus forbearing the respondents 1 to 3 from extending any permission for the proposed Shirk Abolition Conference schedule to be held on 31.01.2016 at Trichy by the Tamil Nadu Thawheed Jamaath functioning at No.30 Armenian Street Chennai-1 the 4th respondent herein in any manner.

For Petitioner .. Mrs. Shaik Mehrunisa

(W.P.No.3254/16)
For Petitioner ... Mr.G.Karthikeyan

(W.P.No.3152/16)
For Petitioner .. Mr.D.Ashok Kumar
(W.P.No.1986/16)

For RR1 to 4 .. Mr.AL.Somayaji, Advocate General
in W.P.No.3254/16, assisted by
For RR1, 3 & 4 Mr. S.T.S.Moorthy, Govt.Pleader
in W.P.No.3152/16 and Mr.P.Sanjay Gandhi, AGP
For RR1 to 3
in W.P.No. 1986/16

For R5 in
W.P.Nos.3254 & 3152/16
and For R4 in W.P.No.1986/16..
For R2 in Wp.no.3152/2016 ..
For R5 in WP.NO.1986/2016 ..

Mr.P.Vijendran
Mr.Christopher kishore
M/S.Kanz Mohamedi @
Kalaiarasi Kanchana

COMMON ORDER

As the issues involved in all these writ petitions are one and the same, they have been taken up and disposed of by a common order.

2. The learned counsel for the petitioners primarily contended that the proposed conference scheduled to be held on 31.1.2016 would certainly flare up all communal tension. The Shirk Abolition Conference, if allowed to go on, would affect the peace and tranquility of the state. In the conference, what is proposed is not only against the practices adopted by some of the Muslim community people, but also Hindus, such as idol worship. The pamphlets are highly inflammatory. The meeting is also against national interest. It is the back door entry of dangerous foreign elements seeking entry into the country, which would ultimately, result in striking at the foundation of its sovereignty. Therefore, writ petition will have to be allowed.

3. The learned counsel appearing for 5th respondent submitted that it is not clear as to whether this Court has got territorial jurisdiction or not. It is not as if the 5th respondent would create communal tension. On the contrary, it wants to reinforce the principles enunciated in the Holy Quran. The intention is not to hurt the sentiments of others, but to dissuade the Muslim Community from adopting other practices. The said respondent has also made an application seeking permission which is still pending consideration.

4. The learned Advocate General submitted that a decision is yet to be taken in this regard. However, appropriate orders can be passed based upon the relevant materials.

5. At this stage, this Court cannot hold what is proposed to be done in the conference. This Court also does not have any input about the intention of the conference. Therefore, suffice it is to direct the Commissioner of Police, Trichy to take a decision by 30.1.2016 by taking into consideration all the relevant materials.

6. Accordingly, all the writ petitions stand disposed of. No costs. Connected miscellaneous petitions are closed. Registry

is directed to send a copy of the order to Commissioner of Police, Trichy.

-s/d-
Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

- 1 Home Secretary, Government of Tamil Nadu
Department of Home, Fort St George, Chennai-09.
- 2 The Director General of
Police, Office of the Director General of
Police, Kamarajar Salai, Mylapore, Chennai-04.
- 3 The Commissioner of Police
Tiruchy City, Tiruchy.
- 4 The Secretary
Ministry of Home Affairs Union of India
North Block Central Secretariat, New Delhi-
110 001
- 5 The Superintendent of Police
Tiruchy City Pudukottai Road
Subramaniapuram Tiruchirappalli-620 020

+1 cc to Mr.D.AshokKumar Advocate sr.5662
+1 cc to Mr.P.Vijendran Advocate sr.5634
+1 cc to the Government Pleader sr.5882

सत्यमेव जयते

W.P.No.3254/16, W.P.No.3152/6 &

W.P.No.1986/16

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