

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2016

CORAM

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.5943 of 2016

M.Zikabudin

... Petitioner

Vs

1.The State Rep. by
The Inspector of Police,
N-1, Police Station,
Royapuram, Chennai -13.

2.Janab M.A.Mohideen Gani
(2nd respondent is impleaded as per
the order of this Court dated 18.03.2016) ...
Respondents

Criminal Original Petition filed under Section 482
Cr.P.C. seeking a direction to the respondent police to accord
police protection to the petitioner to conduct the URS on
21.03.2016 and to run the administration of the Hustra Taikkal
Wakf peacefully.

For Petitioner : Mr.N.A.Nissar Ahmed
For Respondents : Mr.C.Emalias
Additional Public Prosecutor [R1]
Mr.R.Abdul Mubeen [R2]

सत्यमेव जयते
O R D E R

The petitioner has come forward this petition seeking for a
direction directing the respondent police to accord police
protection to conduct the URS on 21.03.2016 and to run the
administration of the Husra Taikkal Wakf peacefully.

2. Heard both sides.

3. The learned counsel appearing for the petitioner would
submit that since the petitioner wants to conduct the URS on
21.03.2016, he wants police protection and therefore, he has
given a representation on 10.03.2016. But, till date the
respondent police has not given any police protection.

Therefore, the petitioner has come forward this petition.

4. Resisting the same, the learned counsel appearing for the second respondent would submit that he is a tenant under the Tamil Nadu Wakf Board as per the resolution passed on 26.07.2005. He would further submit that there is no Dargah in the suit property and therefore, he used the same as godown. During the business, he sent a letter to the respondent stating that the building is not conducive for occupation and therefore, he seeks permission to demolish and reconstruct the building. He would further submit that he filed O.S.No.1174 of 2016 before the Hon'ble Wakf Tribunal (I Assistant City Civil Court, Chennai) and also filed an I.A.No.3313 of 2016 for interim injunction restraining the second respondent to interfere his peaceful possession and enjoyment, wherein, status quo has been ordered on 02.03.2016. By way of sought for a police protection, he wants to take possession of the property. Hence, he prays for dismissal of this petition.

5. The learned Additional Public Prosecutor would submit that on 09.03.2016, the petitioner has given a complaint against the second respondent, which was taken as C.S.R.No.156 of 2016 and the second respondent also given a complaint against the petitioner and the same was also taken as C.S.R.No.157 of 2016. On enquiry, both the complaints were closed by the respondent police civil in nature and directed them to approach the appropriate forum.

6. Considering the rival submissions made by both sides and on perusal of the typed set of documents it is an admitted fact that the property is under the administration of Tamil Nadu Wakf Board and as per the resolution passed on 26.07.2005, the property in dispute has been given rental to the second respondent. In pursuance of that on the same day, rental agreement has been entered into between the second respondent and the Tamil Nadu Wakf Board. The only question to be decided in this petition is whether police protection is to be given to conduct the URS on 21.03.2016 or not.

7. In paragraph No.3 of the petitioner's representation dated 10.03.2016, it is stated that he wants to take action to ensure that the wakf committee to run the administration peacefully without any disturbance from any unauthorised person. However, the petitioner has not stated that there is a proposal to perform URS on 21.03.2016 and sought for a police protection. Without giving any appropriate papers, he has come forward with

this petition. Hence, this Criminal Original Petition deserves to be dismissed and accordingly, the same is dismissed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

vsm

To

1.The Inspector of Police,
N-1, Police Station,
Royapuram, Chennai -13.

2. The Public Prosecutor,
High Court, Madras.

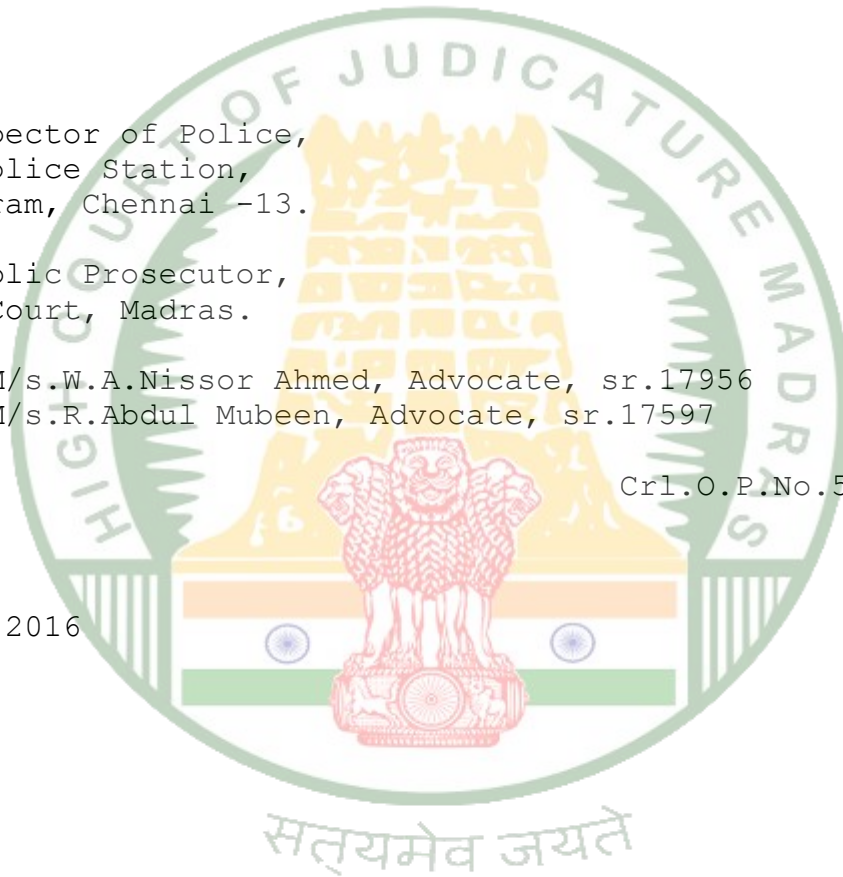
+1 cc to M/s.W.A.Nissor Ahmed, Advocate, sr.17956

+1 cc to M/s.R.Abdul Mubeen, Advocate, sr.17597

Cr1.O.P.No.5943 of 2016

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