

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.02.2016

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THE HONOURABLE Mr.JUSTICE R.SUBBIAH

W.P.No.4988 of 2016

and

WMP.No.4354 of 2016

Mohamad Kasim

S/o.Mohamad Kasim

3/289-2, Mathina Street,
Arangakudi Post, Tharangampadi Taluk,
Nagapattinam District.

.... Petitioner

- Vs -

1.The District Collector,
Office of Collectorate,
Nagapattinam District.

2.Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Myladuthurai, Nagapattinam District.

3.Superintendent of Police,
O/o. Superintendent of Police,
Nagapattinam.

4.The Chairman,
Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai.

5.Mukthavalli
YMH Nikkah Mahal, Arangakudi,
Vadakari,
Nagapattinam District.

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus, directing the respondents to grant permission to perform marriage reception of the petitioner's son viz., Thiru.Anees Rahman schedule to be held on 17.02.2016 in YMH Marriage Hall situated at Arangakudi Village, Tharangampadi Taluk, Nagapattinam District.

For Petitioner : Mr.U.Karunakaran

For Respondents : Mr.P.Karthikeyan
Government Advocate

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus praying directing the respondents to grant permission to perform the marriage reception of the petitioner's son viz., Anees Rahman, which is scheduled to be held on 17.02.2016 in YMH Marriage Hall situated at Arangakudi Village, Tharangampadi Taluk, Nagapattinam District.

2. In the petition, it has been stated that one Mukthavalli, Arangankudi Village, who is the fifth respondent herein, was elected by the fourth respondent Wakf Board and he is responsible for administering the Wakf Board property and religious property such as Pallivasal, Marriage Hall, Madharsha and situated at Arangakudi Village, Tharangampadi Taluk, Nagapattinam District. Due to personal enmity between the petitioner's family and the fifth respondent, Mukthavalli/fifth respondent had acted vindictively and also against the social interest of the whole village and claimed that nine numbers of the petitioner's family were kept away from the village people and other Muslims shall not contact their family members. As per the religious customs, the petitioner had arranged marriage for his son on 03.09.2015 in YMH Thirumana Mandapam, which belonged to the Wakf Board at Arangakudi Village, Tharangampadi Taluk. In this regard, he sent a letter to the 5th respondent/Mukthavalli as well as the first respondent, District Collector requesting him to perform the marriage in the said hall. However, Mukthavalli/fifth respondent, keeping in mind of previous enmity with the petitioner's family, has refused to grant permission to perform the marriage ceremony in the YMH Marriage Hall. Hence, the petitioner filed a Writ Petition in W.P.No.28379 of 2015 and an order was passed by this Court on 08.09.2015, directing the respondents 4 and 5 to permit the petitioner to conduct the ensuing marriage scheduled to be held on 10.09.2015. In spite of a direction issued by this Court, the petitioner was unable to perform his son's marriage in the said marriage hall on 10.09.2015. Now, the petitioner has decided to perform his son's marriage reception in YMH Marriage Hall on 17.02.2016 at Arangakudi Village, Tharangampadi Taluk. However, the respondents once again refused to grant permission for conducting marriage reception of the petitioner's son in YMH Marriage Hall. Therefore, the petitioner has come forward with this present Writ Petition.

3. Heard Mr.U.Karunakaran, learned counsel appearing for the petitioner and Mr.P.Karthikeyan, learned Government Advocate appearing for the respondents.

4. Today, when the matter is taken up for consideration, the learned Counsel appearing for the Wakf Board/fourth respondent, has no objection in conducting the marriage reception in YMH Marriage Hall at Arangakudi Village on 17.02.2016.

(*) "5. In view of the submission made on either side, this Court directs the petitioner to give a representation to the Muthavali with regard to performing the marriage reception of his son Thiru.Anees Rahman, scheduled to be held on 17.02.2016 in YMH Marriage Hall, situated at Arangakudi Village, Tharangampadi Taluk, Nagapattinam District, along with his son Anees Rahman. On receipt of the same, Muthavalli is directed to conduct jamath meeting and to take appropriate decision with regard to permitting the petitioner to conduct the marriage reception of his son at the said Marriage Hall. In the event of granting such permission after conducting jamath meeting by the Muthavalli, the Superintendent of Police, Nagapattinam, is directed to provide adequate police protection for the same, if the petitioner approaches him."

6. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)
Dt:12.2.2016

(*) Corrected as per order
of this Court dated
16.2.2016.

s/d-
Assistant Registrar(CS-VII)
Dt:17.2.2016

True Copy

Sub-Assistant Registrar

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To

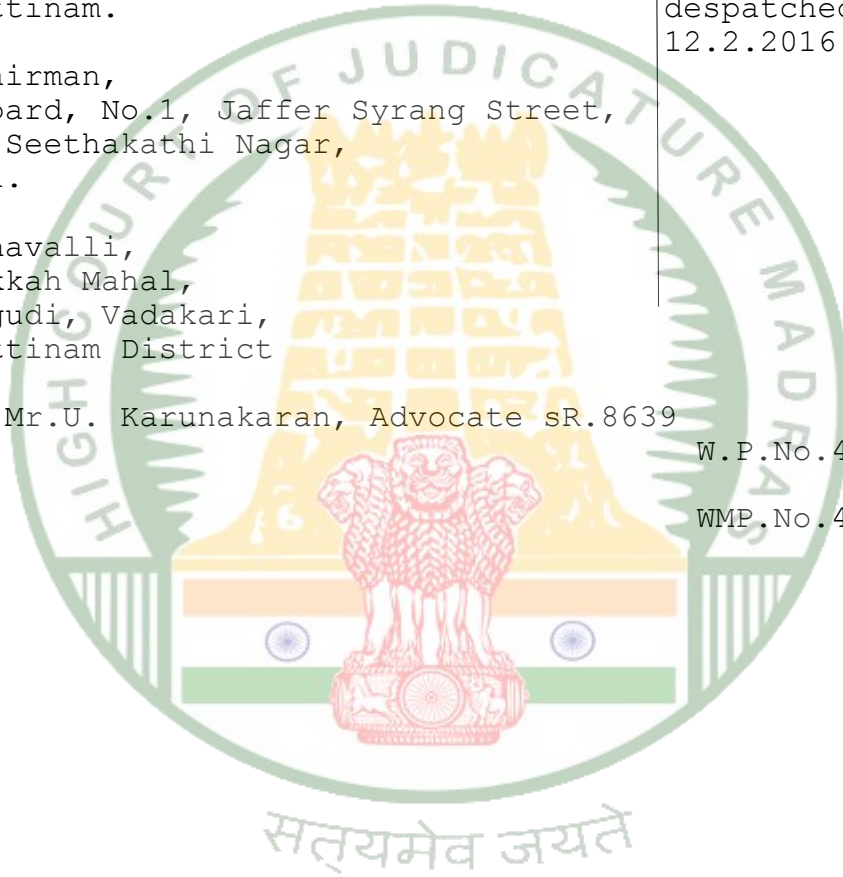
1. The District Collector,
Office of the District Collector
Nagapattinam District.
2. Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Myladuthurai, Nagapattinam District.
3. Superintendent of Police,
O/o. Superintendent of Police,
Nagapattinam.
4. The Chairman,
Wakf Board, No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai.
- (*) 5. Muthavalli,
YMH Nikkah Mahal,
Arangagudi, Vadakari,
Nagapattinam District

+ 1 cc to Mr.U. Karunakaran, Advocate SR.8639

Corrected order to
be substituted to
the order already
despatched on
12.2.2016.

W.P.No.4988 of 2016
and
WMP.No.4354 of 2016

KSJ(CO)
prk17/2



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