



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. [MD].No.16977 of 2015
and
M.P. (MD) .Nos.1 and 2 of 2015

Islamic Education and Cultural Trust,
(Rajagiri and Pandaravadai),
rep. by its secretary,
V.Abdul Jabbar,
S/o.Abdul Wahab,
Masjid Al Iqlass Complex,
Ibrahim Nagar, Rajagiri,
Pappanasam Taluk,
Thanjavur District.

.. Petitioner

Vs.

- 1.The Government of Tamil Nadu,
rep. by its Secretary,
Home Department,
Fort St. George,
Chennai - 600 009.
- 2.The District Collector,
Thanjavur District,
Thanjavur.
- 3.The Revenue Divisional Officer,
Kumbakonam Taluk,
Thanjavur District.
- 4.The Superintendent of Police,
Thanjavur.
- 5.The Big Mosque,
rep. by Secretary,
N.A.M.Yusuf Ali,
S/o.Haja Mohideen,
Pandaravadai,
Thanjavur.



5.The Big Mosque,
rep. by Secretary,
P.H.Abdul Mohamed,
S/o.Haja Mohideen,
Pandaravadai,
Thanjavur.

7.Vapriya Mosque,
rep. by its Secretary,
Mohammed Kader,
S/o.Noor Mohamed,
Rajaghiri, Thanjavur.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1 to 4 to ensure the decent burial of dead bodies belonging to the members of Tawheed Jamath at Rajagiri and Pandaravadai Villages, Pappanasam Taluk, Thanjavur District without any obstruction by the respondents 5 to 7.

For Petitioner : Mrs.M.Krishnaveni

For respondents 1 to 4 : Mr.T.R.Janarthanam,
Addl. Government Pleader

For respondents 5 & 7 : Mr.R.Vijaya Kumar

For 6th respondent : Mr.B.Jameel Arasu

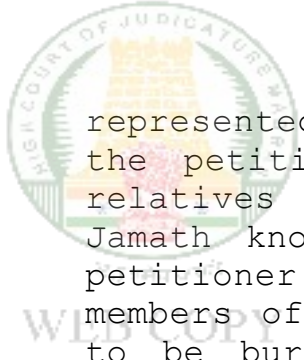
O R D E R

[Order of the Court was made by **S.NAGAMUTHU, J.**]

The petitioner, which is a trust known as Islamic Educational and Cultural Trust at Rajagiri, Thanjavur District, has come up with this Writ Petition seeking a direction to the respondents 1 to 4 to ensure the decent burial of dead bodies belonging to the members of Tawheed Jamath at Rajagiri and Pandaravadai Villages, Pappanasam Taluk, Thanjavur District, without any objections by the respondents 5 to 7.

2.We have heard the learned counsel appearing on either side. We have also perused the records carefully.

3.From the averments made before this Court, it is inferable that there is a Pallivasal known as Periya Pallivasal (big mosque) at Rajagiri and Pandaravadai Villages. The same is managed by a Jamath known as "Hannafi Sunnathul Jamath". The same is



represented by its Secretary in this Writ Petition. According to the petitioner, the members of the petitioner trust and their relatives also belong to the same village and they have got a Jamath known as "Tawheed Jamath". It is the grievance of the petitioner that if there is any death in the families of the members of the petitioner trust, the dead bodies are not allowed to be buried in the "Big Mosque" by the respondents 5 to 7. Therefore, the petitioner has come up with this Writ Petition seeking appropriate directions.

4. The respondents 5 to 7 would submit that of-course, it is true that the family members of the petitioner and others, who are the Muslims living in these villages, have got right to bury the dead body in the "Big Mosque". But, the burial should be done by following the religious practice of Sunnath Jamath. The members of the petitioners are not willing to follow the said religious practice and therefore, they shall not be permitted to bury the dead body, unless they want to bury the dead body by following the established religious practice.

5. It is brought to our notice that there was a Peace Committee Meeting on 29.10.2016, wherein the members of the "Tawheed Jamath" agreed to go by the religious practice of the "Hannafi Sunnathul Jamath" for burying the dead bodies. But, the learned counsel for the petitioner would submit that the members of the petitioner and their relatives cannot be forced to follow a particular religious practice while burying the dead bodies.

6. In our considered view, we cannot go into the disputed question relating to the actual religious practice that is to be followed by the Muslims of these villages. Therefore, we cannot say whether the members of the petitioner should follow the practice of "Hannafi Sunnathul Jamath" or their own practice. It is for the petitioner to work out their remedy before the appropriate forum in the manner known to law, as we cannot go into the above disputed fact, which can be resolved only on evidence.

7. This Writ Petition is, therefore, dismissed, leaving it open to the petitioner to work out their remedy in the manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar



To

1.The Government of Tamil Nadu,
rep. by its Secretary,
Home Department, Fort St. George, Chennai - 600 009.

2.The District Collector,
Thanjavur District, Thanjavur.

3.The Revenue Divisional Officer,
Kumbakonam Taluk, Thanjavur District.

4.The Superintendent of Police, Thanjavur.

+1 cc to M/s.R.Vijayakumar, Advocate in SR.No. 70676
+1 cc to M/s.B.Jameel Arasu, Advocate in SR.No. 70593
+1 cc to M/s.N.Krishnaveni, Advocate in SR.No. 70602
+1 cc to The Special Government Pleader in SR.No. 70891

Gcg

CSL/ SK-SKN/08.12.2016: 4P/9C

Order made in
W.P.[MD].No.16977 of 2015
18.11.2016

18.11.2016