



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 10.11.2016

Coram

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

WEB COPY

W.P(MD)No.9869 of 2015

Janab A.Dhusthakeer

... Petitioner

-Vs-

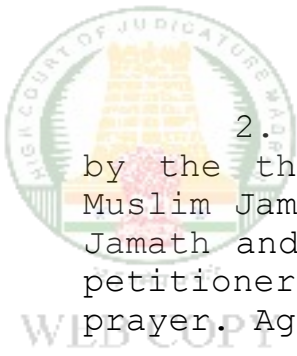
1. The Tamil Nadu Wakf Board,
represented by its Chief Executive Officer,
No.1, Zafar Sarang Street,
Seethakadi Nagar,
Chennai 600 001.
 2. The District Collector,
Nagercoil,
Kanyakumari District.
 3. The Management Committee of
Thiruvithancode Muslim Jamath,
represented by M.Shahul Hameed, (Jamath Head),
Thiruvithancode,
Kanyakumari District.
- ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first and second respondents herein to take action against the third respondent for issuance of notice of ex-communication dated 13.02.2015 against the petitioner on the basis of the petitioner's representation, dated 18.05.2015.

For Petitioner	:	Mr.B.Brijesh Kishore
For R1	:	Mr.K.K.Senthil
For R2	:	Mr.N.S.Karthikeyan
		Additional Government Pleader
For R3	:	Mr.K.Ponnaiah for
		M/s. Ajmal Associates

O R D E R

The writ petition has been filed for a writ of Mandamus directing the first and second respondents to take action against the third respondent for issuance of notice of ex-communication, dated 13.02.2015, against the petitioner on the basis of the petitioner's representation, dated 18.05.2015.



2. According to the petitioner, he has been ex-communicated by the third respondent Management Committee of Thiruvithancode Muslim Jamath by removing him from the Management Committee of the Jamath and also ex-communicated for a period of six years and the petitioner is not permitted to enter into the Mosque to regular prayer. Against which, the present writ petition has been filed.

3. The third respondent filed a counter affidavit stating that the third respondent did not ex-communicate the petitioner and the petitioner is regularly attending the Mosque to make prayer and subsequently, conducted the marriage for his son, on 22.05.2016, in the Mosque and he is also living in the same area and he is not prevented from attending the prayer in the Mosque and there is no cause of action.

4. Since the petitioner is not prevented from attending the prayer in the Mosque and it is also evidenced from the fact that he himself has conducted his son's marriage in the Mosque and there is no cause of action as alleged by the petitioner. In the above circumstances, the writ petition is disposed of. It is made clear that the third respondent should not discriminate the petitioner and prevent him from attending the prayer in the Mosque. No costs.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Tamil Nadu Wakf Board,
represented by its Chief Executive Officer,
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2. The District Collector,
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3. The Management Committee of
Thiruvithancode Muslim Jamath,
represented by M. Shahul Hameed, (Jamath Head),
Thiruvithancode, Kanyakumari District.

+1cc to Mr. B. Brijesh kishore, Advocate Sr.No. 68571
+1cc to M/s. Ajmal Associates, Sr.No. 68032
+1cc to Mr. K. K. Senthil, Advocate Sr.No. 68055
+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO. 67905

W.P. (MD). No. 9869 of 2015

10.11.2016