

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42763 of 2016

ORDER:

1. This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to direct the 2nd respondent to consider the representation of the petitioner dated 15.6.2016 for handing over the Asare Mubarak of Mohammed Pravaktha to him.

2. Heard and perused the material available on record.

3. It is stated in the affidavit that the petitioner being main successor of Sree Hajarath Sayed Khaja Rahamatullah Masjid and Darga has been conducting the ceremony of exhibiting Asare Mubarak every year on the holy day i.e., Miladunnabi, for the last 10 years, and that last year on 25.12.2015, as per the instructions of the 2nd respondent, the petitioner conducted the ceremony of exhibiting of Asare Mubarak to the villagers, devotees and pilgrims in the village of A.S. Peta and after completion of the said programme, he handed over the same to the 4th respondent. The 4th respondent put the said Asare Mubarak on the top of the tomb of Khaja Sayed Nayabe Rasool as usual. But the same has not been traced out for the last several months. The 3rd respondent, who is Sajjad of A.S. Peta, Darga, along with his anti social elements, has been making lot of illegal activities in Darga contrary to the customs prevail in Darga. The petitioner made a written representation to the 2nd respondent on 15.6.2016 to take necessary action against the 3rd respondent and his anti social elements and to trace out the Asare Mubarak and hand over the same to him so as to enable him to perform his customary ceremony right of exhibiting the Asre Mubarak in A.S. Peta Darga and to keep the same under the custody of Masjid. But the 2nd respondent has not taken any action so far.

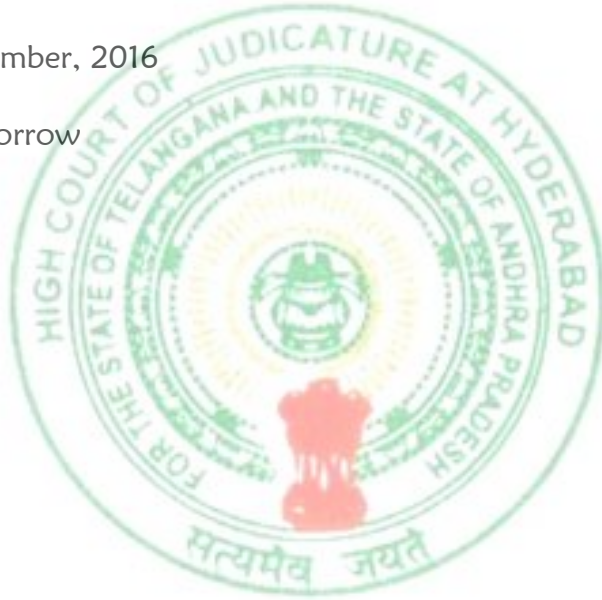
4. Considering the facts and circumstances of the case and the grievance of the petitioner, without expressing any opinion on merits, this Court is inclined to pass the following order:

“The 2nd respondent is directed to consider the representation of the petitioner dated 15.6.2016 and pass appropriate orders on or before 11th December, 2016.”

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

Date: 8th November, 2016
Note:
Issue C.C. tomorrow
B/O
Nn

RAJA ELANGO, J



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Date: 8th December, 2016

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