

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39848 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the action of the 2nd respondent in interfering and causing obstructions in the repair works undertaken in the petitioner Masjid institution, as illegal and arbitrary.

Heard and perused the material available on record.

The grievance of the petitioner is that on 09.04.2016 when the repairing works are undergoing in the premises, the 2nd respondent along with his force came to the spot and stopped the work and sent away the persons working there. The committee of the petitioner Masjid approached the State Wakf Board for interference in the matter and on their request, a letter was also addressed to the 2nd respondent by the State Wakf Board, but the interference by the 2nd respondent is still continuing.

Learned Assistant Government Pleader for Home appearing for the 2nd respondent informed that the 2nd respondent never interfered in the affairs of the petitioner, more particularly in the repairing works of the compound wall of the petitioner.

Recording the said submission, the Writ Petition is disposed of with the following direction:

The 2nd respondent is directed not to interfere with the affairs of the petitioner, more particularly, in the repairing works undertaken by the petitioner. If there is any interference made by the 2nd respondent, the petitioner is at liberty to lodge a complaint against the 2nd respondent before the Superior Officer of the 2nd

respondent. However, this order will not stand in the way of the 2nd respondent to register a case, if any complaint is lodged against the petitioner for cognizable offence.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO,J

Date: 30th November, 2016

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