



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2017

CORAM:

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THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P(MD) No.22818 of 2017

and

W.M.P. (MD) No.19113 of 2017

Lukman

... Petitioner

-vs-

1. THE CHIEF EXECUTIVE OFFICER,
TAMIL NADU WAKF BOARD,
1, JAFFAR SYRANG STREET,
VALLAL SEETHAKATHI NAGAR,
CHENNAI - 1.
2. THE SUPERINTENDENT OF WAKF,
TAMIL NADU WAKF BOARD,
54/15, S.N.HIGH ROAD,
TIRUNELVELI - 1.
3. THE INSPECTOR OF POLICE,
KOTTOR POLICE STATION,
NAGERCOIL, KANYAKUMARI DIST.
4. THE PRESIDENT,
KOTTOR ELANKADAI MUSLIM SAMUDHAYA TRUST, (JAMTH),
ELANKADAI, KOTTOR POST,
NAGERCOIL - 2, KANYAKUMARI DISTRICT. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to take action against the 4th respondent for his denial of permission to solemnize and register the marriage of his son, namely, Syed Dhaha Asip in violation of their direction and consequently directing the 4th respondent to grant permission to solemnize and register the marriage of his son, namely, Syed Dhaha Asip with Aysha Burvin to be held on 24.12.2017 at Bhava Kasim, Olivulla Community Hall at Elankadai, Kottor Post, Nagercoil with police protection by considering the petitioner's representations dated 28.11.2017 and 02.12.2017.



For Petitioner : Mr.S.R.Anbarasu
For R1 & R2 : Mr.K.K.Senthil
For R3 : Mr.M.Alagathevan
Spl. Govt. Pleader
For R4 : Mr.Mareeskumar
For M/s.Ajmal Associates

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O R D E R

This writ petition has been filed, seeking a direction to the respondents 1 and 2 to take action against the 4th respondent for his denial of permission to solemnize and register the marriage of his son, namely, Syed Dhaha Asip, with further direction to the 4th respondent to grant permission to solemnize and register the marriage of his son, namely, Syed Dhaha Asip with Aysha Burvin, scheduled to be held on 24.12.2017 at Bhava Kasim, Olivulla Community Hall at Elankadai

2. Heard the learned counsel for the respective parties.

3. It is the case of the petitioner that the fourth respondent is the elected President of the Trust (Jamath), who has to grant permission to solemnize marriages and register the same in the register kept by the Jamath so as to obtain a formal marriage certificate. While so, the fourth respondent, due to his personal grudge, hatred and motive against the petitioner and nine others in the locality, refused to grant permission for solemnization of his son's marriage, scheduled to be held on 24.12.2017 and has been causing hindrance to the Nikkah ceremony. It is the further case of the petitioner that when such an occasion arose to another person by name Sulaiman on earlier occasion, he filed a writ petition in W.P. (MD) No.17494 of 2014 before this Court and obtained an interim order against the order of Ex-communication passed by the very same fourth respondent, thereby directing the fifth respondent therein to solemnize the marriage of the petitioner's daughter therein, register the same and also to provide police protection to the petitioner therein. Though the petitioner has submitted a representation dated 28.11.2017 to the respondents 1, 2 and 4, no action has been taken thereon so far. Aggrieved by the same, the petitioner is before this Court.

4. Considering the facts and circumstances of the case and also taking into account the previous interim order of this Court passed in similar line, this Court directs the 4th respondent to grant permission to the petitioner to solemnize and register the marriage of his son, namely, Syed Dhaha Asip with Aysha Burvin to be held on 24.12.2017 at Bhava Kasim, Olivulla Community Hall at Elankadai forthwith, with further direction to the third respondent to provide adequate police protection and escort to the marriage. It is needless to mention here that the petitioner is to defray all



necessary expenses at his cost. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

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/True Copy/

Sub Assistant Registrar

To:

1. The Inspector of Police,
Kottor Police Station,
Nagercoil, Kanyakumari District.
2. The President,
Kottor Elankadai Muslim Samudhaya Trust, (Jamath),
Elankadai, Kottor Post,
Nagercoil-2
Kanyakumari District.

+1CC TO Mr.S.R.ANBARASU, ADVOCATE, SR NO.94119

+One cc to M/S.AJMAL ASSOCIATES, Advocate, SR.No.94394

W.P(MD) No.22818 of 2017
21.12.2017

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MS/SV-MMS/SAR.3/21.12.2017/3P.5C