



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2017

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THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P. (MD) No.5678 of 2016

and

WMP (MD) No.5096 of 2016

Mohamed Jabarullah

: Petitioner

-vs-

1. The Revenue Divisional Officer,
Tenkasi, Tirunelveli District.
2. The President,
Tamil Nadu Towheed Jamath,
Kadayanallur Town Branch,
Kadayanallur, Tirunelveli District.
3. Masjithul Mubarak Jamath,
SMP Complex,
No.149C, Main Bazar,
Kadayanallur-627 751,
Tirunelveli District.
4. The President,
Makdoom Gnaniyar Pallivasal,
Pettai, Kadayanallur,
Tirunelveli District.

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, to direct the 1st respondent to grant permission to the petitioner to conduct prayer on the Ramzan and Bakrid days of festival in the ground in Survey No.272(2) and 272(1), in Kadayanallur, considering the petitioner's representation, dated 09.02.2016.

For Petitioner	: Mr.G.Prabhu Rajadurai for Mr.K.Chengiz Khan
For 1 st Respondent	: Mr.D.Muruganandham Additional Government Pleader
For 2 nd Respondent	: Mr.N.Senthilkumar
For R3 and R4	: No appearance

**ORDER**

The petitioner has come forward with the present writ petition seeking issuance of a Writ of Mandamus, to direct the 1st respondent to grant permission to the petitioner to conduct prayer on the Ramzan and Bakrid days in the ground in Survey No.272(2) and 272(1), in Kadayanallur, by considering his representation, dated 09.02.2016.

2.Mr.G.Prabhu Rajadurai, learned counsel appearing for the petitioner would submit that though the petitioner submitted a representation to the 1st respondent, dated 09.02.2016 seeking permission to conduct prayer at Manthai Poromboke in Kadayanallur Town, the 1st respondent has not passed any orders so far. It is further submitted that the 2nd respondent was alone permitted for the past three years to conduct the prayer in the said place, due to their political affiliation with the ruling party.

3.The learned counsel would further submit that since the place where the petitioner is seeking permission is described as 'Government Poromboke', the 1st respondent should have some norms for giving permission to the parties, either they can allot the place by rotation basis or by lot and when the said procedure would not follow, the petitioner is not able to understand on what basis the place is allotted to the 2nd respondent.

4.Mr.D.Muruganandham, learned Additional Government Pleader, takes notice for the first respondent and submitted that even yesterday, a peace committee was convened by the 1st respondent, in which the respondents 2 and 3 have participated, but no consensus was arrived at. It is further submitted that the petitioner and the respondents 2 and 3 were permitted to conduct prayer in the same place in different times, therefore, the petitioner cannot have any grievance.

5.Mr.N.Senthil Kumar, the learned counsel appearing for the 2nd respondent would submit that the suit O.S.No.473 of 2013 filed by the 3rd respondent before the Principal District Munsif Court, Tenkasi, with the same prayer is pending consideration and in the meanwhile, he set up the petitioner to file this writ petition. It is further contended that this year, the petitioner has not even approached the 1st respondent seeking permission to conduct the prayer and the respondents 2 and 3 alone have approached the 1st respondent seeking permission to conduct the prayer and hence, he prayed for the dismissal of the writ petition.

6.Heard the rival submissions and perused the materials



7. Considering the limited scope of the prayer sought for in this writ petition and the submissions made on either side, without going into the merits of the case, this writ petition is disposed of with a direction to the first respondent to pass orders on the representation of the petitioner, dated 09.02.2016 on merits and in accordance law, after providing opportunity to the necessary parties and communicate the decision to the parties. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-II)

/True copy/

Sub Assistant Registrar

To,

1. The Revenue Divisional Officer,
Tenkasi,
Tirunelveli District.

2. The Additional Government Pleader,
Madurai Bench of Madras High Court,
Madurai.

+2 CC to M/s. M.SENTHIL KUMAR, Advocate, SR No. 61926, 62055.

+1 CC to M/s. K.CHENGIZKHAN, Advocate, SR No. 61827.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 62376.

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PSM/GT/SAR2/10.07.2017/3P/7C

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