



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2018

CORAM:

WEB COPY

**THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI**

W.A[MD].No.315 of 2018
and
C.M.P. (MD)No.1972 of 2018
in
W.P. (MD)No.22818 of 2017

The President
Kottar Elankadai Muslim Samudhaya
Trust (Jamath),
Elankadai, Kottor Post,
Nagercoil - 2,
Kanyakumari District. : Appellant/Respondent No.4

Vs.

1.Lukman : Respondent / Petitioner

2.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar, Chennai - 1.

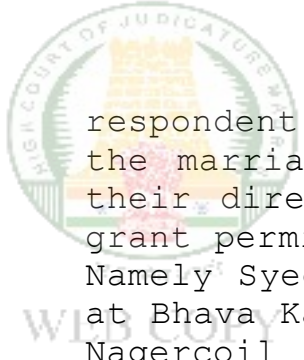
3.The Superintendent of Waqf,
Tamil Nadu Waqf Board,
54/15, S.N.High Road, Tirunelveli - 1.

4.The Inspector of Police,
Kottor Police Station,
Nagercoil,
Kanyakumari District. : Respondents 2 to 4/
Respondent Nos.1 to 3

PRAYER: Appeal is filed under Clause 15 of Letters Patent Act, to set aside the order of the learned single Judge of this Court, dated 21.12.2017 in W.P. (MD)No.22818 of 2017.

Prayer in WP(MD). 22818/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, Praying this Court To issue a writ of Mandamus directing the 1st and 2nd respondents 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 Appellant	: Mr.M.Mahaboob Athiff
For R-1	: Mr.S.R.Anbarasu
For R-2 and R-3	: Mr.K.K.Senthil
For R-4	: Mr.C.M.Marichelliah Prabu
	Additional Government Pleader

JUDGEMENT

[Judgement of the Court was delivered by **K.RAVICHANDRABAABU, J**]

This writ appeal is directed against the order dated 21.12.2017 of the learned single Judge passed in the main writ petition itself.

2.The appellant herein is the fourth respondent in the writ petition. The first respondent/writ petitioner prayed for issuance of a writ of Mandamus directing the respondents 1 and 2 to take action against the fourth respondent for denying permission to solmenize and register the marriage of his son viz., Syed Dhaha Asip. The grievance of the writ petitioner before the writ Court is that the marriage of his son scheduled to be held on 24.12.2017 was not permitted to be somenized at the fourth respondent Jamath, due to personal grudge and motive. It is the further case of the writ petitioner that he was excommunicated by the Jamath and the said order was challenged in W.P.(MD)No.17494 of 2014, wherein interim order against the excommunication was granted also with a direction to solemnize the marriage of the petitioner's daughter. The writ Court issued a direction to the Jamath/fourth respondent to grant permission to the writ petitioner to solemnize and register the marriage of his son to be held on 24.12.2017.

3.Challenging the said order, the present writ appeal is filed by the Jamath/fourth respondent by specifically contending that the writ petitioner is already removed from the membership of the Jamath and challenging the said removal, he filed a suit in O.S.No.384 of 2015 on the file of Additional District Munsif Court, Nagercoil and the said suit is still pending. Therefore, it is contended that the petitioner is not entitled to perform the marriage of his son at the fourth respondent Jamath.

<https://hcservices.ecourts.gov.in/hcservices/>

4.On the other hand, the learned counsel appearing for the writ petitioner contended that the suit filed was not against the



removal of membership and on the other hand, it was against removal of the writ petitioner from the voters list of the Jamath.

5. Eventhough such rival contentions are made by both the parties, it is an admitted fact that the subject matter marriage, which was scheduled to be conducted on 24.12.2017 at the fourth respondent Jamath/appellant was already performed on the very same day, however, in a different Jamath. Therefore, when the marriage of the writ petitioner's son was already solemnized in a diffierent Jamath, the direction issued by the writ Court to perform such marriage, at the fourth respondent Jamath on 24.12.2017 will not have any force, as the performance of the marriage has been worked out in a different Jamath. Therefore, considering the above stated facts and circumstances, we do not find anything survives in the present writ appeal to be adjudicated upon further, as the subject matter marriage has already been performed as stated supra. If the parties are still having any grievance with regard to their any other rights, it is open to them to agitate the same before the appropriate Forum in the manner known to law.

6. The writ appeal is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar

To

1. The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar, Chennai - 1.
2. The Superintendent of Waqf,
Tamil Nadu Waqf Board,
54/15, S.N.High Road, Tirunelveli - 1.
3. The Inspector of Police,
Kottor Police Station,
Nagercoil, Kanyakumari District.

+1CC TO Mr.K.K.Senthil, Advocate, Sr No.63278

+1CC TO Mr.Ajmal Associates, Advocate, Sr No.63292

+1CC TO Mr.S.R.Anbarasu, Advocate, Sr No.63527

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