



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.12.2018
CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

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W.P. (MD) No.22464 of 2018

Janab M.A.S.E Liyakath Ali
President,
Pudur Periyapallivasal Jamath,
Pudur - 630 709, Ilaiyankudi Taluk,
Sivagangai District.

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai District, Sivagangai.

2.The Inspector of Police,
Ilaiyankudi Police Station,
Ilaiyankudi,
Sivagangai District.

3.P.N.S.Thasthakir
4.Y.Mohammed
5.Wasim Akram
6.Daskant

7.The Superintendent of Wakf
Office of the Superintendent of Wakf,
No.159/3, Theppa Sayanam Road,
Velipattinam,
Ramanathapuram.

(As per order dated 17.12.2018 made in
WMP(MD)No.22497 of 2018, the 7th respondent
has been impleaded)

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents to give adequate police protection to the petitioner Pudur Periyapallivasal Jamath for the period 20.12.2018 to 31.12.2018 within time frame as fixed by this Court.

For Petitioner : Mr.D.Senthil

For Respondents : Mr.A.Robinson

Govt. Advocate (R1 and R2)



Mr.T.Palanisamy (for R3 and R4)
Mr.R.Vivekanathan (for R5 and R6)

Mr.T.S.Mohamed Mohideen (for R7)

ORDER

This writ petition has been filed seeking seeking a Writ of Mandamus directing the respondents to give adequate police protection to the petitioner Pudur Periyapallivasal Jamath for the period 20.12.2018 to 31.12.2018.

2.The learned counsel appearing for the petitioner would submit that the petitioner is the President of Pudur Periyapallivasal and the said Pallivasal was established in the year 1721 and from the date of its establishment of the Pallivasal, has been functioning for the development of the community peoples and for the furtherance of unity with the other community peoples and to help the poor, who belonged to all the communities. He would further submit that during the year 1944, a suit was filed on the file of the Sub-Court, Ramanathapuram at Madurai regarding the administration of the Jamath and the scheme decree was passed on 28.03.1947 and as per the scheme decree, Jamath has been functioning and administering the Pallivasal from the year 1947. He would further submit that the petitioner was elected as a President of Jamath during the year 2017 and that he is controlling the administration of the Pallivasal by paying necessary contribution to Wakf Board. He would further submit that the persons, namely, the respondents 3 to 6, who have lost in the election, along with their henchmen tried to disturb the peaceful functioning of the Jamath and attempted to create law and order problem in that locality and thereby, the petitioner had lodged a complaint to the second respondent police on 20.10.2018. But no action has been taken by the second respondent police.

3.The learned counsel for the petitioner would submit that usually marriages in the village are conducted during the period of between 20.12.2018 to 31.12.2018 and the Jamath meetings are also conducted during that period. Apprehending the disturbance by the respondents 3 to 6, the petitioner has given a representation dated 29.10.2018 to the respondents seeking police protection. Since no action has been taken, the present writ petition has been filed seeking the relief as stated supra.

4.The learned counsels appearing for the respondents 3 to 6 would submit that the petitioner has no authority to claim and hold the post of President of the Pallivasal and would submit that the petitioner claims to be the President without there being an order or approval by Wakf Board and would further submit that the petition has been filed only with the object of preventing the respondents 3 to 6 and their family members attending the Mosque and more particularly to deny permission to the respondents 3 to 6 to conduct the fourth respondent's son marriage.



5.The learned counsel appearing for the Wakf Board produced a communication dated 14.12.2018 vide proceeding of the Wakf Inspector of Ramanathapuram and Sivagangai wherein it has been stated that as per the scheme, an election ought to have been conducted, but the petitioner herein conducted an election on his own and elected himself as the President on 15.01.2017.

6.The learned counsel for the Wakf Board would further submit that the petitioner has not submitted the accounts and that he has refused to furnish the accounts and that he has so far not given the copy of the scheme decree and had also informed that the Wakf Board that they have no right to interfere in the administration of the Pallivasal. He would also submit that yet another person claiming himself to be the Secretary of the Pallivasal had filed an application in O.A.No.162 of 2018 and that he had also sought for an injunction against the Wakf Board from not to interfere in the administration of the Trust. He would, however, submit that the petitioner and other person claimed themselves to have been elected.

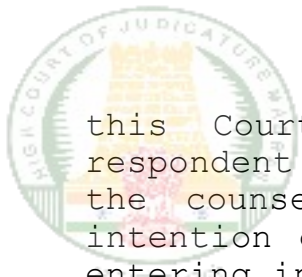
7.The learned counsel for the respondents 3 and 4 would submit that the fourth respondent's son's wedding is fixed on 27.12.2018 and the petitioner under the guise of obtaining the police protection are attempting to prevent the marriage of the son of the fourth respondent to be conducted at the Pallivasal and that is the only motive to file this petition.

8.At this juncture, the learned counsel for the petitioner would submit that the petitioner will give an undertaking that he will not prevent the respondents 3 to 6 to enter, attend and conduct functions in the Mosque and would submit that the only apprehension of the petitioner is that the respondents 3 to 6 should not create any law and order problem.

9.The learned Government Advocate (crl.side) appearing for the respondents 1 and 2 would submit that the respondent police have received a representation from the petitioner seeking to give adequate police protection to the Pudur Periyapallivasal for the period from 20.12.2018 to 31.12.2018. He would further submit that steps shall be taken by the respondent police to maintain law and order.

10.Heard all the parties.

11.This Court is well aware of the scope of the prayer sought for. This Court, at this stage, cannot go into the merits or conduct a roving enquiry into the issues regarding the Authority of the petitioner as the President of the Pallivasal, however, taking into consideration of the submission made by all the parties that usually marriages in the village and Jamath meeting also are conducted during the period between from 20.12.2018 to 31.12.2018,



this Court has to pass appropriate direction to the second respondent to ensure that law and order is maintained. Admittedly, the counsels for both parties have assured that they have no intention of creating trouble or preventing the other persons from entering into the Pallivasal and conducting functions ceremonies.

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12. In view of the above, the petitioner as well as the respondents 3 to 6 are directed to appear before the

respondent police and give a written undertaking that they will not create any problem affecting law and order and that they will not prevent either party entering into the Mosque and conducting functions and ceremonies. It is made clear that the undertaking given by both the parties shall be strictly complied with. It is for the respondent police to impose any other conditions taking into consideration the ground reality and situation.

12. With the above observations, this writ petition stands disposed of. No costs.

Sd

ASSISTANT REGISTRAR (CO)

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SUB ASSISTANT REGISTRAR (CS II)

skn

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai District, Sivagangai.

2. The Inspector of Police,
Ilaiyankudi Police Station,
Ilaiyankudi,
Sivagangai District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

1CC TO MR. T.S. MOHAMED MOHIDEEN, ADVOCATE SR 100684

1CC TO MR. R. VIVEKANANTHAN, ADVOCATE SR 100679

1CC TO MR. T. PALANISAMY, ADVOCATE SR 100680

1cc To Mr. D.Senthil Advocate in SR.No.100712

SP RSK SAR 2

19 12 2018

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