

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 30.01.2019

CORAM:
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.2378 of 2019

Hasan Raja Mosque, Darga and Burial Ground Waqf
Ward No.6, Big Hassenpura, Hamlet of Veppur Village
Arcot Post,
rep. by its hereditary Muthawali,
Syed Peer Sha Mohideen Khadri @ S.P.Sha,
having office at
Bahadur Sha Masjid Complex,
Sainathapuram, Vellore. Petitioner

Vs.

- 1.The Superintendent of Police,
Vellore District,
Vellore.
- 2.The Inspector of Police,
Arcot Town Police Station,
Vellore.
- 3.S.Settu
- 4.Booshana Nicker
- 5.Vijayan
- 6.Selvam Respondents

Prayer: Criminal Original petition filed under Section 482 of the Criminal Procedure Code, to direct the first and second respondent to give necessary police protection for fencing the Hasan Raja Mosque, Darga and Burial Ground Waqf property in Ward A, Block 3, T.S.No.37, Patta No.830, Survey No.2/2 to extent of about 4.80 acres, Survey NO.1/2A to an extent of about 5.09 acres and in Survey No.6/2, New S.No.6/2A to an extent of about 2.50 acres Arcot Town and Taluk, Vellore District.

For Petitioner : Mr.A.Ajimath Begam
For Respondents : Mr.M.Mohamed Riyaz
1 & 2 Additional Public Prosecutor

O R D E R

This petition has been filed seeking for police protection for fencing the property belonging to the Mosque.

2. It is seen from records that the petitioner has already filed a Suit in O.S.No.460 of 2016, before the learned Sub Court (Waqf Tribunal), Vellore. In the said suit, an order was passed in I.A.No.504 of 2016 on 21.02.2017, restraining the rival party from interfering with the possession and enjoyment of the petitioner. In spite of the said order, attempts were made to interfere with the possession and injunction of the property. Therefore the petitioner filed a petition in I.A.No.261 of 2017 in O.S.No.80 of 2017 and sought for police protection. The said application was allowed by an order dated 02.05.2017.

3. Thereafter, the learned Sub Court, Vellore, sent a communication to the Superintendent of Police, Vellore District to implement the said order and give the necessary police protection to the petitioner.

4. The learned counsel for the petitioner submitted that in spite of such an order being passed by the Competent Civil Court and a specific letter sent by the learned Sub Court to the Superintendent of Police, Vellore, till date, the police have not provided any police protection and the petitioner is being continuously prevented from fencing the property. Therefore, left with no other option, the petitioner has approached this Court.

5. The fact remains that the Competent Civil Court has already granted the order of injunction in favour of the petitioner and subsequently, has also passed an order for police protection. Therefore, the police is bound to follow the said order and the petitioner ought not to have been driven to this Court seeking for police protection.

6. In view of the above, the Superintendent of Police, Vellore District, is directed to immediately give police protection to the petitioner and ensure that rival party does not interfere with possession and enjoyment of the property. If any interference is made and an attempt is being made to create a law and order problem, the Superintendent of Police shall take immediate action against the concerned persons.

7. In view of the above, this criminal original petition stands disposed of.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

nmm/dss

To

1.The Superintendent of Police,
Vellore District,
Vellore.

2.The Inspector of Police,
Arcot Town Police Station,
Vellore.

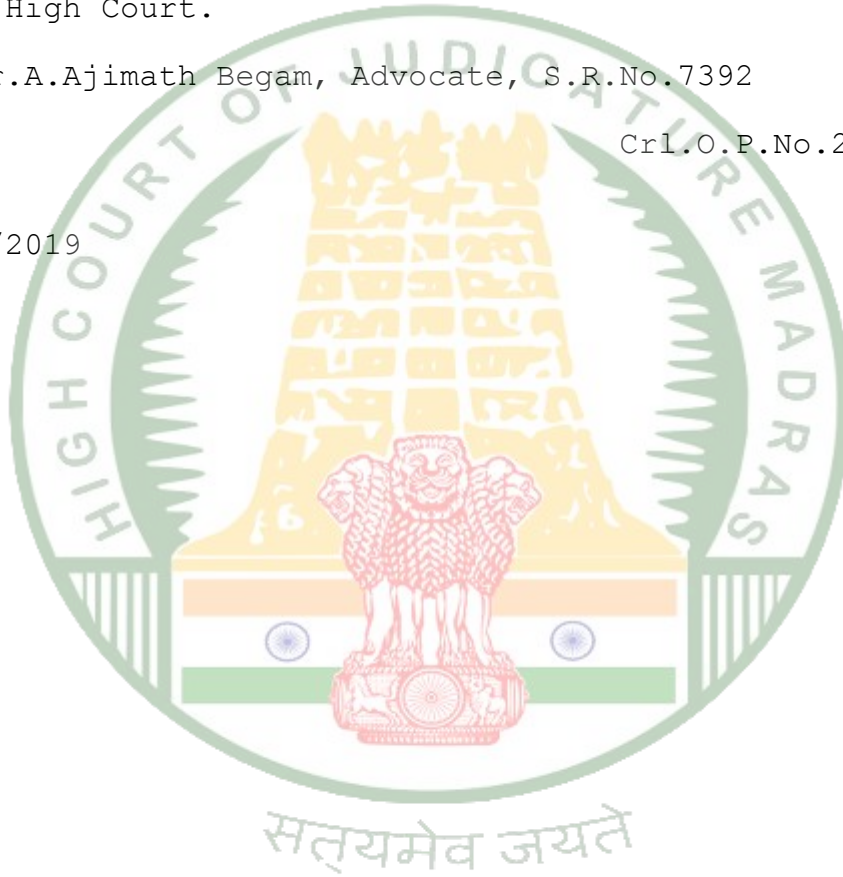
3.The Public Prosecutor,
Madras High Court.

+lcc to Mr.A.Ajimath Begam, Advocate, S.R.No.7392

CrI.O.P.No.2378 of 2019

KAN(CO)

rrs 13/02/2019



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