

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 22.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No. 9555 of 2020
and W.M.P. 11669 of 2020

H.Mohammed Sajath

... Petitioner

Vs.

1. The Inspector of Police,
P-2, Otteri Police Station,
Chennai-12.

2. The Deputy Commissioner of Police,
P-2 Otteri Police Station,
Chennai-12.

3. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai.

... Respondents

PRAYER: Writ Petition has been filed under Art. 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to allow the petitioner to perform the ritual of sandal urs festival of Dadashamakkan wakf at No.5, Dargha Street, Dadshamakkan, Chennai-12 to be held on 22.07.2020, 04.08.2020, and 05.08.2020 in compliance to G.O. Ms. No.152, dated 23.03.2020 with due police protection.

For Petitioner : Mr. N.A.Nissar Ahmed

For Respondents

For R1 & R2 : Mr.S.Karthikeyan,
Additional Public Prosecutor

For R3 : Mr.P.Manojkumar,
Standing counsel for
Corporation of Chennai.

O R D E R

This Writ Petition has been filed for direction directing the respondents to allow the petitioner to perform ritual of holy sandal and urus festival of Dadashamakkan wakf at No.5, Dargha Street, Dadshamakkan, Chennai-12 to be held on 22.07.2020, 04.08.2020 and 05.08.2020 in compliance of G.O. Ms. No.152, dated 23.03.2020.

2. The learned counsel appearing for petitioner would submit that the petitioner has to perform the ritual of holy sandal and urus of the St. Hazarath Syed Hussain Pyareh Janullah Shah Khadri Shuttari Saheb every year on 13th and 14th of Zilhaj (Bakrith month) as per the approved bye-law of the wakf. Due to Covid-19 lock down, the general public are not allowed to have public dharshan/worship in the religious places as per G.O. Ms. No.152, dated 23.03.2020. However, in the G.O., it was exempted for conducting daily rituals and the general public only are prohibited. In this regard, the petitioner sought police protection to perform the ritual of holy Sandal and Urus festival by representation dated 11.07.2020 by way of registered post.

3. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that there is a rival group objecting to perform the rituals by the petitioner and also there is objections from the rival party to perform the ritual of Sandal and Urus festival. He would further submit that the area, in which performing the ritual of Sandal and Urus festival is highly affected by COVID-19 and number of deceased also gradually increased. Therefore, if the petitioner is permitted to do the ritual of Sandal and Urus festival, there would be lot of general public in participating and there is a difficulty for the respondents 1 and 2 to control the general public.

4. The learned counsel appearing for the 3rd respondent would submit that so far, no representation has been received from the petitioner.

5. Heard Mr.N.A.Nissar Ahmed, learned counsel appearing for petitioner, Mr.S.Karthikeyan, learned Additional Public Prosecutor appearing for respondents 1 and 2 and Mr.S.Manoj Kumar, learned standing counsel appearing for 3rd respondent.

6. This Writ Petition has been filed seeking for the police protection to perform the ritual of holy Sandal and Urus festival to be held today i.e. on 22.07.2020, 04.08.2020 and 05.08.2020. Due to Covid-19 lock down, there is a prohibition order passed by the Government of Tamil Nadu and

as per the Government Order, all the religious places are closed for dharshan/worship. Under these circumstances, as per G.O. Ms. No.152, dated 23.03.2020, the Government of Tamil Nadu clarified that all religious places are closed for public dharshan/worship. However, the daily ritual may be conducted. According to the petitioner, the ritual of Sandal and Urus festival are to be conducted every year by the religion of Muslim and as such, this year also, it has to be performed as a ritual pooja. However, according to the petitioner, there is no rival claim and rival party objecting to conduct ritual of Sandal and Urus festival. When it being so, there is absolutely no need to seek police protection to perform the usual ritual of Sandal and Urus festival. Therefore, the police protection cannot be granted to the petitioner for performing the ritual of Sandal and Urus festival. It is also clarified that the petitioner can perform their ritual of Sandal and Urus festival in compliance with the order passed by the Government of Tamil Nadu in G.O. Ms. No.152, dated 23.03.2020. It is also made clear that the performance of the ritual of Sandal and Urus festival is to be conducted within the premises of Dargha and strictly in compliance with the Government Order passed in G.O. Ms. No.152 dated 23.03.2020. If there is any violation of the said Government Order, the respondents are at liberty to take appropriate action as against the petitioner and other members of Dadashamakkan wakf.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
P-2, Otteri Police Station, Chennai-12.
2. The Deputy Commissioner of Police,
P-2 Otteri Police Station,
Chennai-12.
3. The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai.
4. The Public Prosecutor, High Court, Madras.

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