

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.12.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.18630 of 2020
and
W.M.P.No.23108 of 2020
(Heard through VC)

Mohammed Noorullah Sherif,
S/o.Late. Abdullah Sherif,
Secretary, Masjid-E-Aalishaan,
Usman Lane (Munro Lane),
Military Quarters,
St.Thomas Mount,
Chennai - 16.

..Petitioner

-vs-

The Station Commandant,
Office of Station Head Quarters,
PIN (Army).900432 Fort St.George,
Chennai - 9.

..Respondent

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the respondent to open the Masjid-E-Aalishaan Mosque, Usman Lane (MunroLane), Military Quarters, St.Thomas Mount, Chennai 16 for prayer purpose as per the proceedings of the respondent dated 15.09.2020 and as sought vide petitioner's representation dated 19.10.2020.

For Petitioner : Mr.N.A.Nissar Ahmed

For Respondent : Mr.K.Gunasekaran

Sr. Panel Counsel Central Government

O R D E R

The relief sought for in this writ petition is for a direction to the respondent to open the Masjid-E-Aalishaan Mosque, Usman Lane (MunroLane), Military Quarters, St.Thomas Mount, Chennai - 16 for prayer purpose as per the proceedings of the respondent dated 15.09.2020 and as sought vide petitioner's representation dated 19.10.2020.

2. The learned counsel appearing for the petitioner would point out that earlier a direction was given by the Division Bench of this Court in W.A.No.1208 of 2008 dated 27.04.2009

wherein, the cantonment board/Local Military Authority was directed to open one of the gate of Masjid-E-Aalishaan Mosque at 4.30 a.m., everyday for Muslim community to offer Namaz at 5.00 a.m. and the front gate of the mosque should be closed by 9.00 p.m., everyday except during the period of Ramzan, when it should be kept open upto 10.30 p.m.

3. The learned counsel for the petitioner would invite the attention to the communication dated 15.09.2020 from the Col-SSO for Station Commander, who has granted permission for opening the Masjid for prayer purpose only according to the restriction imposed by the State/Central Government, in view of the Covid-19 pandemic situation. The complaint of the petitioner is that the said order is not followed and the gates are not opened and hence the petitioner has given a representation dated 19.10.2020 to the respondent.

4. Heard the learned counsel appearing on both sides and perused the materials available on record.

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the respondent to consider the representation of the petitioner dated 19.10.2020, enquire into the same and pass appropriate orders, on merits and in accordance with law and also following the State Protocol that is maintained for the pandemic situation, after issuing notice to the petitioner and the persons interested in this regard and by affording them an opportunity of personal hearing or virtual hearing or otherwise, considering their written objections and after verifying the relevant documents, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above directions, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Station Commandant,
Office of Station Head Quarters,
PIN (Army).900432 Fort St.George,
Chennai - 9.

+1cc to Mr.N.A.Nissar Ahmed, Advocate, S.R.No.42723

W.P.No.18630 of 2020
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gpl (CO)
rv(18/01/2021)



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