



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2021

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THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P.(MD)No.2755 of 2021

Hakkim Deen

: Petitioner

Vs.

1.The Superintendent of Wakf
Wakf Board, Near Mahal, Madurai.

2.The Inspector of Police,
Wakf Board, Near Mahal, Madurai.

3.The President,
South Gate Jamath, Madurai.

: Respondents

PRAYER :- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents to give marriage Book (Nikkah) to the petitioner for his daughter's marriage on the basis of the petitioner's representation, dated 27.01.2021 within a stipulated time that may be fixed by this Court.

For Petitioner

:Mr.K.Gokul

For R1 and R2

:Mr.S.A.Ajmal Khan

For R3

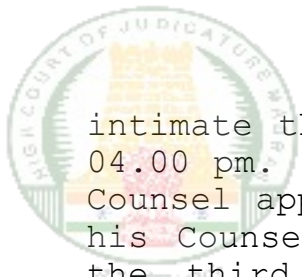
:Mr.Mahaboob Athif

ORDER

Heard the learned Counsel for the petitioner, the learned Standing Counsel for the Wakf Board and the learned Counsel for the third respondent.

2.The Writ Petitioner's daughter, by name, Anfia Begam, is to get married to one T.Karish Khan, as per Islamic rites and customs on 14.02.2021. A copy of the marriage invitation card is enclosed in the typed set of papers. The marriage (Nikkah) is to be solemnized at Muslim Jamath Marriage Hall, Therku Perumal Maistry Street, Madurai. The petitioner has encountered an impediment, as third respondent has declined to register the marriage in the Nikkah register. That necessitated filing of this Writ Petition.

<https://hcservices.courts.gov.in/hcservices/> upon the learned Counsel for the Wakf Board to



intimate the third respondent that the matter would be taken up at 04.00 pm. Pursuant to the intimation received through the Standing Counsel appearing for the Wakf Board, the third respondent thorough his Counsel Mr.Mahaboob Athiff, entered appearance. The stand of the third respondent is that Hakkim Deen, the writ petitioner herein, is not a member of the third respondent Jamath and that therefore, it is not possible to enter the marriage of his daughter in the Nikkah register maintained by the third respondent Jamath.

4.The petitioner is present in person. He firmly states that he is very much a member of the third respondent Jamath. But then, he is unable to produce any proof before this Court at this point of time. He states that his marriage itself was entered in the Nikkah register maintained by the third respondent Jamath. The petitioner's marriage had taken place on 08.02.1988.

5.But then, the learned Counsel for the third respondent would submit that, that by itself could not lead to an inference that the petitioner is a member of the third respondent Jamath. The learned Counsel for the third respondent concedes that the father-in-law of the petitioner is a member of the third respondent Jamath. His contest is only with regard to the petitioner's status.

6.Be that as it may, I wanted to know, as to where the petitioner's daughter studied. The petitioner's daughter is said to have done her entire schooling in Grace Matriculation Higher Secondary School, Jaihindpuram, Madurai. She did her Engineering in Sethu Institute of Technology, Kariyapatti, Virudhunagar District. The petitioner's residence has always been at Mohideen Andavar 1st Street, Madurai.

7.I can come to the safe conclusion that the petitioner's daughter is very much a person hailing from the locality in question. Therefore, I felt that the third respondent, even while carrying on its contest against the petitioner, should magnanimously come forward to facilitate the marriage.

8.Considering the special circumstances prevailing in this case, I direct the third respondent to take the Nikah register to the Muslim Jamath Marriage Hall, Therku Perumal Maistry Street, Madurai, on 14.02.2021 at 10.30 am and register the marriage by entering the details of the marriage in the said register. In other words, whatever the formalities that will have to be performed by the third respondent will be performed by the third respondent for this marriage.

9.This Writ Petition is allowed on the above terms. I make it clear that the order passed in this writ petition will not confer any right on the petitioner as such. It is for the petitioner to independently establish his claim that he is a member of the third



respondent Jamath before the appropriate authority/forum. I make it clear that in Writ Jurisdiction, this issue cannot be gone into. No costs.

WEB COPY

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.The Superintendent of Wakf
Wakf Board, Near Mahal, Madurai.

2.The Inspector of Police,
Wakf Board, Near Mahal, Madurai.

+1 CC to M/s.K.GOKUL, Advocate (SR-4846[F] dated 12/02/2021)

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12.02.2021

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kmk (CO)

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