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W.P.No.2356 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.2356 of 2020

and

W.M.P.Nos.2751 & 2754 of 2020

Sarguru Sayed Karim Alisha Sadar
Sarkalifa Refaye Aithroos Kadire,
Son of late Mohamed Abubacker,
N.P.N. Manzil, No.9, Thaisundaram Nagar,
Murugan Kovil Street, Kunrathur,
Chennai – 600 069.

... Petitioner

Vs

1.The Managing Trustee
Nagore Dargah, Nagore – 611 002,
Nagapattinam District.

[R1 cause title amended as per
order dated 04.11.2022 made in
WMP.No.27625/2022]

2.The Manager,
Represented by Mr.Jahabr Hussian,
Nagore Dargah, Nagore – 611 002.

3.J.Yusuf Den @ Syed Hall Kalandar Alisha,
Fouzthuar (Additional Sadguru)

4.Syed Hasimullah Shah Moulana
Hussaini Rafai Ahmedi Khadri

5.Hajji Kaji S.A. Sheik Hassan Sayeeb Khadri

6.Syed Mohammed Kalifa Sayeeb

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records pertaining to the impugned order in proceedings No.20/A2/2020 dated 23.01.2020 issued by the 1st respondent herein, to quash the same and consequently direct the respondents 1 and 2 to grant permission to the petitioner to perform his religious duties as Sarguru of Syed Rifayee Aithroos Jama Allah for the period of 40 days on the eve of Urus and annual death ceremony of Hazrath Shahul Hameed Aandavar (Kanthuri Festival) in Nagore Dargah.

For Petitioner : Mr.B.K.Girish Neelakantan

For Respondents : Ms.A.Ajimath Begum, for R1, R2 & R6

: Mr.Srinath Sridevan, for R5

: No appearance for R3 & R4

ORDER

The prayer sought for herein is for a Writ of Certiorari calling for the records pertaining to the impugned order in proceedings No.20/A2/2020 dated 23.01.2020 issued by the 1st respondent herein, to quash the same and consequently direct the respondents 1 and 2 to grant permission to the petitioner to perform his religious duties as Sarguru of Syed Rifayee Aithroos Jama Allah for the period of 40 days on the eve of Urus and annual death ceremony of Hazrath Shahul Hameed Aandavar (Kanthuri Festival) in Nagore Dargah.



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2. The petitioner claimed that, from 1999-2011 the petitioner had been functioning as a Additional Sarguru of Sayad Rafaye Jama of Nagore Dargah to participate in the every year functioning called Annual Urs.

3. Insofar as the year 2020 to participate such function i.e. 463rd annual Urs when the petitioner claimed to the status of Sarguru, that was rejected by the then management viz., Adhoc Board of Administrators of Nagore Dargah Interim Administrators Committee.

4. The said order dated 23.01.2020 passed by the erstwhile Board of Administrator is under challenge in this writ petition.

5. When this writ petition is taken up for hearing today, Mr.B.K.Girish Neelakantan, learned counsel appearing for the petitioner submits that, during the pendency of the writ petition, since the Adhoc Board of Administrators were replaced by the Board of Trustees represented by the Managing Trustee, they have been impleaded or replaced the 1st respondent and therefore, the present 1st respondent is none other than the Managing Trustee of the Nagore Dargah which represents the Board of Trustees.

6. Since they are empowered to consider the plea of the petitioner to



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recognise him as a Sarguru to participate or to conduct the annual Urs festival, when such a plea was made to them also with the Tamil Nadu Wakf Board as at that time the Interim Administrative Board should work in tandem with Tamil Nadu Wakf Board, such a direction was given to the petitioner to participate in the 465th annual Urs as Sarguru and he also had participated.

7. Now the 466th annual Urs for the year 2022 is slated to be conducted on 20.12.2022. For this year annual festival also, such a recognition should be continued for the petitioner as Sarguru. Therefore, to that effect if the relief is moulded and a direction is given to the respondents, the petitioner would be satisfied, he contended.

8. On the other hand, Ms.A.Ajimath Begum, learned Standing Counsel appearing for the respondents 1, 2 & 6 on instruction would submit that, initially the plea of the petitioner to recognise him as Sarguru to participate in the annual Urs function was rejected by the erstwhile management of the Adhoc Board, only based on the complaint given by his father in law arising out of some family feud and subsequently had revealed that, since it is a personal affair of two individuals and his father in law and that would not



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anyway hamper the function of the annual Urs festival where the petitioner if he is participated in the capacity as a Sarguru, that would not stand in the way. Therefore, the Wakf Board has decided to permit the petitioner to participate in the 465th annual Urs i.e. last year. Therefore, the same pattern may continue this year also where if there is no other impediment on the part of the petitioner to participate as Sarguru in the 466th annual Urs festival this year i.e. 2022, that would be considered and decided by the 1st respondent i.e., the Board of Trustees represented by Managing Trustee. Therefore, in this regard the plea of the petitioner would be considered and decided within a shortest possible time enabling him to participate in the forthcoming 466th annual Urs festival.

9. Mr.Srinath Sridevan, learned counsel appearing for the 5th respondent has submitted that, since he was only the member at that time therefore as a member in his individual capacity, he has been named as one of the party respondent in this writ petition. Therefore, if the Managing Committee has decided the plea of the petitioner, the individual respondent like 5th respondent has no say, he has submitted.

10. I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this



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Court.

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11. Since there was a family feud between the petitioner and his father in law which might have triggered the erstwhile Management viz., an Adhoc Board of Administrators to reject the plea of the petitioner to recognise him as Sarguru to participate in the 463rd annual Urs in the year 2020, that position has got changed and subsequently it was considered by the Tamil Nadu Wakf Board and accordingly 465th annual Urs the petitioner was permitted to participate as Sarguru and therefore, this Court feels that there can be no further impediment for the 1st respondent to consider the plea of the petitioner i.e. this year to permit him to participate as Sarguru in 466th annual Urs to be conducted from 20th December 2022.

12. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

That there shall be a direction to the 1st respondent to consider the plea of the petitioner to recognise him as a Sarguru for the purpose of participating in the forthcoming 466th annual Urs festival to be conducted from 20.12.2022 and pass orders



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thereon within a period of two weeks from the date of receipt of

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a copy of this order.

13. With this direction, this Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

18.11.2022

Index : Yes / No

Speaking Order : Yes / No

Sgl

To

1.The Managing Trustee
Nagore Dargah, Nagore – 611 002,
Nagapattinam District.

2.The Manager,
Represented by Mr.Jahabr Hussian,
Nagore Dargah, Nagore – 611 002.



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R. SURESH KUMAR, J.

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