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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.4764 of 2019

Ishak Ali

...Petitioner

Vs

1.The District Collector,
Nagapattinam District,
Collector Office, Nagapattinam.

2.The Tahsildar,
Vedharanyam Taluk,
Vedharanyam, Nagapattinam District.

3.The Superintendent of Police,
Nagapattinam District,
Nagapattinam.

4.The Inspector of Police,
Vaimeedu Police Station,
Nagapattinam District.

5.Sahul Hameed

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to give the key of the Thaqwa Thowheed Mosque in Thulasiyapattinam, Vedharanyam Taluk, Nagapattinam District, back to Tamil Nadu Towheed Jamath in Thulasiyapattinam and give security for opening the Mosque for conducting worship and religious teachings.



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For Petitioner : Mr.J.Antony Jesus
For Respondents : Mr.Jayaprakash (for R1 to R4)
Government Advocate
No Appearance (for R5)

O R D E R

Heard Mr.Antony Jesus, learned counsel for the petitioner and Mr.Jayaprakash, learned Government Advocate for the official respondents i.e., R1 to R4.

2.The prayer of the petitioner is for a mandamus directing R1 to R3 to handover the key of the Thaqwa Thowheed Mosque in Thulasiyapattinam, Vedharanyam Taluk, Nagapattinam District, back to the Tamil Nadu Towheed Jamath in Thulasiyapattinam and also provide security for opening the Mosque for conduct of prayer and religious teaching.

3. A detailed report dated 26.02.2019 has been submitted by the Inspector of Police, wherein she states that one Sahul Hameed had filed a petition before the District Munsif Court, Vedharanyam in I.A.No.583 of 2018 in O.S.No.84 of 2018 that established the pendency of civil disputes qua the petitioner and R5 before the civil courts. At paragraph 10 of the report, she states that the key to the mosque is in the possession of R5, private respondent.

4.Being civil disputes, it is for the petitioner and R5 to settle the same inter se, and the official respondents have no role to play therein. Recording the same and as mandamus sought for is not liable to be granted, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

vs

To

1.The District Collector,
Nagapattinam District,
Collector Office, Nagapattinam.



2.The Tahsildar,
Vedharanyam Taluk,
Vedharanyam, Nagapattinam District.

3.The Superintendent of Police,
Nagapattinam District,
Nagapattinam.

4.The Inspector of Police,
Vaimeedu Police Station,
Nagapattinam District.

+1cc to the Government Pleader, Advocate SR.18772

W.P.No.4764 of 2019

GPL(CO)

CB(02/05/2022)