



W.P.No.34213 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P. No. 34213 of 2022

SarguruSayed Karim Alisha Sadar
SarkalifaRefayeAithroosKadire.

... Petitioner

Vs.

1.The District Superintendent of Police,
Nagapattanam District.

2.The Inspector of Police,
Nagoor, Nagapattanam District.

3.The Managing Trustee,
Nagoor Dargah,
Nagapattanam District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Mandamus, directing the 1st and 2nd respondents to provide police protection to the petitioner to perform his religious duties as Sarguru of Syed Rifayee Aithroos Jamma Allah for a period of 40 days (22.12.2022 to 31.01.2023) on the eve of the Urus and annual death ceremony of Hazrath Shahul Hameed Aandavar (Kanthuri Festival) in Nagore Dargah.

For Petitioner : Mr.B.K.Girish Neelakantan

For Respondents : Mr.S.Santhosh



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Government Advocate (Crl. Side)

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ORDER

The Writ Petition has been filed for directing the 1st and 2nd respondents to provide police protection to the petitioner to perform his religious duties as Sarguru of Syed Rifayee Aithroos Jamma Allah for a period of 40 days (22.12.2022 to 31.01.2023) on the eve of the Urs and annual death ceremony of Hazrath Shahul Hameed Aandavar (Kanthuri Festival) in Nagore Dargah.

2. The learned counsel for the petitioner would submit that the petitioner has already filed W.P.No.2356 of 2020 seeking to quash the impugned order in proceedings No.20/A2/2020 dated 23.01.2020 issued by the 3rd respondent herein and consequently direct the Managing Trustee and the Manager of Nagore Dargah 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 Urs and annual death ceremony of Hazrath Shahul Hameed Aandavar (Kanthiri Festival) in Nagore Dargah.

3. This Court on 18.11.2022 passed an Order in W.P.No.2356 of 2020



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“12. In that view of the matter, this Court is inclined to dispose of this Writ Petition with 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 thereon within a period of two weeks from the date of receipt of a copy of this order.”

4. He further submitted that now the 1st respondent in WP.No.2350 of 2020/3rd respondent in this case issued proceedings in R.O.C.No.612/A2/2022 dated 06.12.2022 authorising the petitioner to be Sarguru for the purpose of participating in the forthcoming 466th annual Urs festival, after passing resolution in this regard.

5. The petitioner now apprehends that one J.Yusubdeen Alias Syed Al Kalandhar Alisha and his henchmen would obstruct the petitioner from performing Urs. In this regard, he submitted a representation to the District



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Superintendent of Police on 09.12.2022, but no action was taken, under such circumstances, this petition is filed.

6. The learned Government Advocate (Criminal Side) opposed this petition on the ground that this petition is filed on the presumption that J.Yusubdeen Alias Syed Al Kalandhar Alisha and his henchmen would create some trouble. If at all police protection is required, the 3rd respondent may approach the Court.

7. The 3rd respondent is represented by M/s.Ajimath Begum, learned Counsel, on instruction he submitted that 3rd respondent is also apprehending problem from J.Yusubdeen Alias Syed Al Kalandhar Alisha and his henchmen during 46th Annual Urus Festival.

8. Considered the rival submissions.

9. The 3rd respondent is the authority so far as the administration and Management of Nagore Dargah is concerned. Therefore, this Court in W.P.No.2356 of 2020 directed the 3rd respondent to consider and pass orders



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on the representation of the petitioner. Accordingly, the 3rd respondent had issued proceedings dated 06.12.2022, permitting the petitioner to be the Sarguru for the purpose of participating in the forthcoming 466th annual Urus festival.

10. There is a valid apprehension raised by the petitioner. Therefore, his representation dated 09.12.2022, on the basis of earlier incident that had taken place on 07.02.2020 about the possible obstruction by J.Yusubdeen Alias Syed Al Kalandhar Alisha and his henchmen is justifiable. Thus, this Court directs the 1st and 2nd respondents to consider the representation of the petitioner dated 09.12.2022 and ensure smooth conduct of the Festival by the petitioner acting as Sarguru with necessary Police protection.

11. The 3rd respondent is also directed to give a request for police protection.

12. In view of the above, this Writ Petition is allowed. No costs.

21.12.2022

Index : Yes/No



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Internet: Yes/No

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Note: Issue order copy on 21.12.2022.

G.CHANDRASEKHARAN, J.

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To

1. The District Superintendent of Police,
Nagapattanam District.
2. The Inspector of Police,
Nagoor, Nagapattanam District.
3. The Managing Trustee,
Nagoor Dargah,
Nagapattanam District.
4. The Public Prosecutor,
High Court of Madras.

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