



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 14.06.2022
CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

WEB COPY

W.P.(MD) No.12019 of 2022

Sheik Abdulla

... Petitioner

Vs.

1.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakkathi Nagar,
Chennai.

2.The Superintendent of Waqf,
Office of the Waqf Superintendent,
No.8/124, 2nd Floor,
Quide-Millath Road,
Palakkarai,
Trichy.

3.The Inspector of Waqf,
Office of the Waqf Inspector,
No.8/124, 2nd Floor,
Quide-Millath Road,
Palakkarai,
Trichy.

4.Mr.Rahmathullah,
The President,
Ahle Sunnathwal Jamath Pallivasal,
Puthanatham,
Manapparai Taluk,
Trichy District.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents No.1 to 3 to look into this issue and permit the petitioner to bury the dead body of the petitioner's mother i.e., Umma Salima in the Kabarsthan (Burial ground) of 4th respondent by considering the petitioner's representation, dated 14.06.2022.

For Petitioner : Mr.S.Sathya Chidambaram

For Respondents : Mr.N.Mohideen Basha for R1 to R3
Standing Counsel



O R D E R

This writ petition has been filed for issuance of a Mandamus seeking for a direction to the respondents No.1 to 3 to look into the issue and permit the petitioner to bury the dead body of the petitioner's mother i.e., Umma Salima in the Kabarsthan (Burial ground) of 4th respondent by considering the petitioner's representation, dated 14.06.2022.

2.The petitioner has given a representation on 14.06.2022, stating that the Ahle Sunnathwal Jamath Pallivasal is 200 years old. The petitioner's family members are the members of the above said Pallivasal for the five generations and offering prayers in the said Pallivasal. The petitioner's brother Mujubur Rahman along with some other persons had questioned the functioning style of the Secretary of the Pallivasal, due to which, 10 families were not allowed to enter into the Mosque. Thereafter, these 10 families have started a small Mosque in the name of TNTJ Pallivasal and they have been praying there. While so, one Idrish, S/o. Ibrahim, who passed away on 21.02.2022, was not permitted to bury in the fourth respondent Pallivasal. The petitioner's apprehension is that some objections would be raised against the petitioner's mother's burial. Hence, he approached this Court.

3.Mr.N.Mohideen Basha, learned Standing Counsel, who accepts notice on behalf of the respondents 1 to 3, referred to the Revenue Divisional Officer's Report, in Na.Ka.No.A1/1056/2021, dated 15.03.2022, wherein, the dispute between the two groups has been recorded and due to the different dispute, there have been commotion and law and order issue. Thereafter, it was resolved before the Revenue Divisional Officer and all the Islam people, members of Pallivasal, are permitted to offer prayers and to bury the dead bodies of their people by following their customs in usage in the Ahle Sunnathwal Jamath Pallivasal, Puthanatham. If the petitioner is agreeable to the same, he should not create any law and order problem or involve any commotion.

4.The petitioner undertakes in his affidavit that there will not be any commotion and they will follow the customs in usage of the Mosque and bury their mother's dead body in a peaceful manner.

5.In view of the above, this writ petition is allowed. There shall be no order as to costs.

Sd/-

Assistant Registrar (Writs)

// True Copy //

14/06/2022

Sub Assistant Registrar(CS)



To

- 1.The Chief Executive Officer,
Tamil Nadu Waqf Board,
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SA(14.06.2022) 3P 4C