



CONT.P.(MD)No.897 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2022

CORAM

**THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR**

**CONT.P.(MD)No.897 of 2022**

Sheik Abdulla

...Petitioner/  
Petitioner

.VS.

- 1.Rafiulla,  
The Chief Executive Officer,  
Tamil Nadu Waqf Board,  
No.1, Jaffar Syrang Street,  
Vallal Seethakkathi Nagar,  
Chennai.
- 2.Sherif Ahamed,  
The Superintendent of Waqf,  
Office of the Waqf Superintendent,  
No.8/124, 2<sup>nd</sup> Floor,  
Quide-Millath Road,  
Palakkarai, Trichy.
- 3.Jainulabudeen,  
The Inspector of Waqf,  
Office of the Waqf Inspector,  
No.8/124, 2<sup>nd</sup> Floor,  
Quide-Millath Road,  
Palakkarai, Trichy.

...Contemnors/  
Respondents 1 to 3

**PRAYER:** Contempt Petition filed under Section 11 of the Contempt of Courts Act, praying this Court to initiate contempt proceedings against



CONT.P(MD)No.897 of 2022

the contemnors/respondents 1 to 3 and punish them for the willful disobedience of the order of the High Court in W.P(MD)No.12019 of 2022, dated 14.06.2022.

For Petitioner :Mr.Sathya Chidambaram

For Respondents :Mr.N.Mohideen Basha  
Standing Counsel

### **ORDER**

This contempt petition filed for a reason that an order passed by this Court in W.P(MD).No.12019 of 2022, dated 14.06.2022 violated by the respondents. The contention of the petitioner is that on 14.06.2022 at about 6.00 P.M., the family members did the final prayer for the corpse in their house and takes steps to hand over the body to the president of the Jamath, but they refused to accept and not permitted to bury. Hence, the respondents 2 and 3 not followed the directions of this Court and liable to be punished for contempting the order of this Court. Further, the petitioner run from pillar to post to bury his mother's dead body, which was kept in freezer box from her death ie., 13.06.2022 at 12.30 hrs to 14.06.2022 night hours. Despite, all steps taken, the respondents failed to abide the order of this Court. Hence, the petitioner took the dead body of his mother and buried in the mosque of Madurai Vilapuram Katharsha @ Mubarak Pallivasal.



CONT.P.(MD)No.897 of 2022

WEB COPY

2. The learned Standing Counsel for the respondents submits that this petition is not maintainable. He further submitted that on 14.06.2022 at about 6.00 PM, the family members of the petitioner prayed for the corpse in their house and thereafter taking steps to hand over the body to the President of the Jamath, who refused to accept the same and not permitted to bury the body. As per Janaza, the last time prayer can be done only once. As per the Jamath custom, in the burial ground, all Jamathars would participate in the prayer for the departed soul. There cannot be two prayers, which would be against their personal law. Further, the petitioner on his own attempt already conducted prayer. If the petitioner is agreeable to follow the customs in usage in the Ahle Sunnathwal Jamath Pallivasal, Puthanatham, they can bury his mother's body in the Mosque. Further, they should not create any law and order problem or involve any commotion. The petitioner filed an affidavit that there will not be any commotion and they will follow the customs in usage of the Mosque and they will bury his mother's dead body in a peaceful manner. Thereafter, the petitioner not filed any affidavit to the effect that by their own that he violated the customs in usage of the Mosque.



CONT.P.(MD)No.897 of 2022

3. In view of the same, this Court is not inclined to entertain this petition. Hence, this petition stands dismissed. No costs.

**28.07.2022**

Index: Yes/No  
Internet: Yes/No  
sn

To

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



WEB COPY



CONT.P.(MD)No.897 of 2022

**M.NIRMAL KUMAR, J.**

sn

CONT.P.(MD)No.897 of 2022

28.07.2022