



W.P.(MD)No.23312 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.10.2022

CORAM:

**THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI**

**W.P.(MD)No.23312 of 2022**

Syed Aliyar Sha

... Petitioner

versus

1. The Commissioner of Police,  
Madurai City.

2. The Inspector of Police,  
Theppakulam Police Station,  
Madurai City.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,  
praying for the issuance of a Writ of Mandamus, to direct the  
respondents to provide police protection for Dargah and ensure the  
petitioner to discharge his duties as Muthavalli for the Hasarath Aliyar  
Sha Dargah situated at G.S.82/Mdu 31, 1<sup>st</sup> Street, Kanpalayam,  
Madurai.



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For Petitioner : Mr.P.Suresh

For Respondents : Mr.M.Sakthi Kumar,  
Government Advocate (Crl. Side)

### **ORDER**

This writ petition is filed seeking a direction to the respondents to provide police protection for the Dharka and ensure the petitioner to discharge his duties as Muthavalli for the Hasarath Aliyar Sha Dargah situated at G.S.82/Mdu 31, 1<sup>st</sup> Street, Kanpalayam, Madurai.

2. The learned counsel appearing for the petitioner submits that the Chief Executive Officer of the Wakf Board, appointed the petitioner as Muthavalli of Hasarath Aliyar Sha Dharka, from 27.07.2021 to 28.06.2022 and thereafter, again, he was appointed as Muthavalli for the period from 29.06.2022 to 28.06.2025. He further submits that in the second appeal in S.A.(MD)No.436 of 2021 filed by the petitioner's father, this Court, by Judgement dated 24.02.2022, held that a Muthavalli appointed by the Wakf Board will have the right of



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administration over the Dharka and the properties attached to the Dharka. Therefore, the petitioner being the Muthavalli is having right to maintain the property of Hasarath Aliyar Sha Dharka. While so, some persons, who are in noway connected with the Dharka and its administration, came to the Dharka and locked it and took away the key and also prevented the petitioner from performing his duty as Muthavalli. In this regard, the petitioner has also lodged a complaint before the second respondent seeking action against those persons. But, the second respondent has not taken any action on his complaint. Thereafter, on 19.07.2022, when the petitioner went to the Dharka for discharging his duty, one Syed Raffik and his henchmen pelted stones and abused him. In this regard also, the petitioner made a representation to the respondents. However, there was no action on the said representation also. Though the petitioner made repeated representations before the respondents, the same were not considered by the respondents. Finally, on 10.09.2022, the petitioner sent another representation seeking police protection for discharging his duties as



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Muthavalli. Even thereafter, the respondents have not taken any action on his representation. Hence, the petitioner is before this Court.

3. The learned Government Advocate (Crl. Side) appearing for the respondents submits that after receipt of the petitioner's complaint, the respondent Police issued CSR No.64 of 2022. Thereafter, the respondent Police conducted an enquiry and closed the complaint on 05.08.2022. A copy of the closure report has also been produced before this Court.

4. A perusal of the closure report reveals that there is a dispute between the petitioner and another rival group with regard to the appointment of Muthavalli and the same is pending in O.A.No.24 of 2019 before the Wakf Tribunal, Chennai.

5. But, the learned counsel appearing for the petitioner claims that O.A.No.24 of 2022 was dismissed by the Wakf Tribunal, Chennai.



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However, no proof has been produced by the petitioner to that effect.

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6. In view of the fact that based on the complaint of the petitioner, an enquiry was conducted and it was closed on 05.09.2022 and a closure report has also been produced to that effect, the writ petition is closed with liberty to the petitioner to work out his remedy in the manner known to law. No costs.

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Index : Yes / No

Internet: Yes / No.

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**T.V.THAMILSELVI, J.**

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