



W.P.No.4909 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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R.R.Noor Mohammed,
President, Sufi Islamic Board,
No.32, 3rd Street, CTO Colony,
West Tambaram,
Chennai-600 045.

.. Petitioner

Vs

- 1.The Chief Secretary,
Government of Tamilnadu,
Secretariat, Fort St. George,
Chennai-600 009.
- 2.The Additional Chief Secretary,
Home Department,
Government of Tamilnadu,
Secretariat, Fort St. George,
Chennai-600 009.
- 3.The Principal Secretary,
BCMBC & MW Department,
Government of Tamilnadu,
Secretariat, Fort St. George,
Chennai-600 009.



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4.The Additional Director General of Police (Intelligence),
DGP Office,
Dr. Radhakrishnan Salai, Chennai-4.

5.Abdul Rahman,
Chairman,
Tamilnadu Waqf Board,
No.1, Jaffar Syrang Street,
Chennai-600 001.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the third respondent to file a criminal complaint against the fifth respondent based on the representation of the petitioner dated 16.12.2022.

For the Petitioner : Mr.S.Shanmugavelayudham
Senior Counsel
for Mr.J.Srinivasan

For the Respondents : Mr.R.Shunmugasundaram
Advocate-General
assisted by
Mr.P.Muthukumar
State Government Pleader
for respondent Nos.1 to 3

: Mr.Hasan Mohamed Jinnah
State Public Prosecutor
assisted by
Mr.E.Raj Thilak
Addl. Public Prosecutor
for respondent No.4

: Mr.Haja Mohideen Gisthi
for respondent No.5



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ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

R.R.Noor Moahammed, the President of Sufi Islamic Board, has filed this writ petition seeking issuance of a writ of mandamus directing the third respondent to file a criminal complaint against the fifth respondent based on the representation of the petitioner dated 16.12.2022.

2. Mr.S.Shanmugavelayudham, learned Senior Counsel appearing on behalf of the petitioner, would submit that with regard to the No-Objection Certificate granted to the fifth respondent by the third respondent vide G.O.(Rt) No.196, Backward Classes, Most Backward Classes and Minorities Welfare (T1) Department, dated 22.11.2022, permitting him to visit Saudi Arabia between 30.11.2022 and 17.12.2022 to perform the Umrah in Mecca, the petitioner has sent a representation on 16.12.2022 making a series of complaints, but the same was not considered by the respondent authorities till date.



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3. Learned Senior Counsel for the petitioner further submitted that under the aegis of the fifth respondent, construction of a medical college and hospital at Veppur, Trichy is on the anvil and for the proposed construction, which would cost around Rs.300 crore, the fifth respondent solicited donations abusing/misusing his position. It is specifically pleaded that as the fifth respondent would not be given a No-Objection Certificate to visit abroad for soliciting donations for construction of medical college and hospital, he proposed to visit Saudi Arabia between 30.11.2022 and 17.12.2022 to perform the Umrah in Mecca. To fortify the said plea, learned Senior Counsel submitted that the fifth respondent addressed a meeting in Jeddah on 14.12.2022 qua the proposed construction, which is evident from the social media posts. It is, therefore, submitted that the visit of the fifth respondent to Mecca was a ruse to visit Jeddah and Dubai, to solicit funds and it is in gross violation of the government order dated 22.11.2022. As the representation dated 16.12.2022 sent by the petitioner was not considered, the petitioner has been advised to file this writ petition.



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4. Mr.S.Haja Mohideen Gisthi, learned counsel appearing on behalf of the fifth respondent, confuting the aforesaid arguments, submitted that when G.O.(Rt) No.196, Backward Classes, Most Backward Classes and Minorities Welfare (T1) Department, dated 22.11.2022, clearly permitted the fifth respondent to visit Saudi Arabia between 30.11.2022 and 17.12.2022 to perform the Umrah in Mecca, there is nothing wrong in visiting Jeddah and Dubai, as they are only transit points, as the distance between Dubai in UAE and Mecca is approximately 1700 kms.

5. After hearing the learned counsel on either side, we do not find any merit in the writ petition. When G.O.(Rt) No.196, Backward Classes, Most Backward Classes and Minorities Welfare (T1) Department, dated 22.11.2022, specifically permits the fifth respondent to visit Saudi Arabia from 30.11.2022 to 17.12.2022, to perform the Umrah in Mecca, if there is any violation of the terms of the No-Objection Certificate granted, it is for the competent authority to consider the same and it is not for this court exercising



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jurisdiction under Article 226 of the Constitution of India to direct the third respondent to file a criminal complaint against the fifth respondent.

In the result, the writ petition is dismissed. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
21.02.2023

Index : No
Neutral Citation : No
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