



W.P.No.10704 of 2022

In the High Court of Judicature at Madras

Reserved on : 05.7.2023	Delivered on : 11.7.2023
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Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.10704 of 2022

M.Mohammed Shahid,
Muthavalli, Ramzan Thaikka
Wakf

...Petitioner

Vs

1.The Superintendent of Police,
O/o the District Police Office,
Cuddalore District.

2.The Inspector of Police,
Kattumannar Koil Police Station,
Kattumannar Koil,
Cuddalore District.

3.Wadhooth Khan

4.Mr.Mohammed Farooq
(R4 impleaded vide order dated
15.3.2023 in WMP.No.5585 of 2023
by GCSJ)

...Respondents

PETITION under Article 226 of The Constitution of India praying
for the issuance of a Writ of Mandamus directing the respondents 1
and 2 to provide adequate police protection to the petitioner and the



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lands bearing Survey Nos.103/1, 2, 3 ad-measuring about total extent of 9.60 Acre/cents situated at Udayargudi Village, Kattumannar Koil, Cuddalore District belongs to Ramzan Thaikka Mosque based on his representation dated 8.4.2022.

For Petitioner :	Mr.E.Om Prakash, SC for Mr.S.Kumaradevan
For Respondents 1 & 2 :	Mr.A.Damodaran, Additional Public Prosecutor
For Respondent-3 :	Served & No appearance
For Respondent-4 :	Ms.Lekha Sankar

ORDER

This writ petition has been filed seeking for police protection based on the representation dated 08.4.2022 made by the muthavalli of the Wakf.

2. Heard the learned Senior Counsel appearing on behalf of the petitioner, the learned Additional Public Prosecutor appearing for the official respondents and the learned counsel appearing for the fourth respondent. Though the third respondent is served and his name is printed in the cause list, he has not chosen to appear either in person



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or through counsel.

3. The case of the petitioner is as follows :

(i) Ramzan Thaikka Wakf is a notified Wakf as per the Wakf Act.

The subject properties ad-measuring a total extent of 9.60 acres were granted in favour of Ramzansha in order to maintain the thaikka and chavadi and this grant was also confirmed by the Inam Commissioner through proceedings dated 08.10.1861. The said Ramzansha and his descendants were in possession and enjoyment of the property only in their capacity as muthavallis in order to main the thaikka and chavadi. The property was also notified as wakf property on 06.5.1959.

(ii) An attempt was made by some parties to apply for patta with respect to the subject property before the Inam Abolition Tribunal, Cuddalore. An implead petition came to be filed by Ramzansha Thaikkal Mosque, which was dismissed and aggrieved by that, an appeal was filed and it was also dismissed. Ultimately, S.T.A.No.10 of 1989 and S.A.Nos.1466 to 1468 of 1992 came to be heard by this Court and a common final judgment was delivered by a Division Bench of this Court on 30.1.1997 holding that the said Ramzansha Thaikkal Mosque is the owner of the property and is entitled for recovery of



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possession and for other reliefs. The fourth respondent herein namely Mr.Mohammed Farooq was the appellant in one of the second appeals namely S.A.No.1466 of 1992.

(iii) After the said judgment of the Division Bench of this Court dated 30.1.1997, three execution petitions were filed before the District Munsif-cum-Judicial Magistrate Court, Kattumannar Koil for taking possession and ultimately, the possession of the property was also taken.

(iv) In the meanwhile, the third respondent herein namely Mr.Wadhooth Khan and another filed O.S.No.55 of 2009 on the file of the Principal Subordinate Court, Cuddalore against Ramzan Thaikka Mosque and others to declare the property in favour of Udayargudi Mosque and also to restrain Ramzan Thaikka Mosque and another from interfering with the possession and enjoyment of the property. The said suit was dismissed by the Principal Subordinate Court, Cuddalore through judgment and decree dated 04.4.2012. The same became the subject matter of challenge before this Court in C.R.P.(NPD) No.2839 of 2012 and a learned Single Judge of this Court, after considering the facts in detail, dismissed the said civil revision petition through the order dated 29.9.2021.



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(v) In spite of the above developments, the private respondents continued to cause disturbance and to grab the property belonging to the mosque in question. Hence, the representation dated 08.4.2022 was made to respondents 1 and 2. Since the same was not acted upon, the above writ petition has been filed.

4. It is quite apparent from the materials placed on record that the private respondents, after having lost before the competent forum, cannot take law into their own hands and prevent the petitioner from maintaining/dealing with the property.

5. The second respondent filed a status report in April 2023, in which, he has taken a stand that if police protection is given, it may lead to law and order problem.

6. The fourth respondent filed a counter affidavit and took an untenable stand completely disregarding the earlier proceedings. In the counter affidavit, he had gone to the extent of stating that the petitioner has no title to the property.



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7. The private respondents have already knocked the doors of the competent court and they were not able to get any relief and it has been confirmed till this Court. In view of the same, the private respondents do not have any right to stop the wakf from maintaining the property.

8. In the light of the above discussions, there shall be a direction to the first respondent to call upon respondents 3 and 4 and get an undertaking that they will not interfere with the subject property. If respondents 3 and 4 fail to cooperate for the same, action shall be initiated against them. To avoid any unnecessary law and order problem, the police protection shall be given to the petitioner wakf to enable them to maintain the subject property.

9. In the result, the writ petition is allowed in the above terms.
No costs.

11.7.2023

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N.ANAND VENKATESH,J

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To

- 1.The Superintendent of Police, O/o the District Police Office,
Cuddalore District.
- 2.The Inspector of Police, Kattumannar Koil Police Station,
Kattumannar Koil, Cuddalore District.

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