



WEB COPY



W.P.No.24754 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.24754 of 2023

Khurashani Peer Dargah and Pallivasal Wakf,
Rep by its President,
A.Meeran Moideen,
Old No.54, New No.109, Dr.Muthulakshmi Salai,
Adyar, Chennai 600 020.

...Petitioners

vs.

- 1.The Inspector of Police,
J5, Sasthiri Nagar Police Station,
Besant Nagar, Chennai 600 090
- 2.Tamilnadu Wakf Board,
Rep by its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathy Nagar,
Chennai 600 001.
- 3.Mohammed Iqbal

...Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 1st respondent to give necessary police protection to construct the Madrasah and other works as per the



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permission granted by the 2nd respondent vide representation dated 05.08.2023 and 12.08.2023 and consequently direct the 2nd respondent to give proper instruction to the 1st respondent to that effect.

For Petitioners : Mr.V.Kaja Navas

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor for R1

Mr.Haja Mohideen Gisthi, for R2

ORDER

This writ petition has been filed for a direction to the first respondent to give police protection in order to construct the Madrasah and other works in the subject property based on the permission granted by the Wakf board.

2. When the matter was taken up for hearing, the learned Additional Public Prosecutor submitted that there are totally 3 CSRs pending in this regard in CSR Nos.332 of 2023 dated 23.06.2023, 406 of 2023 dated 26.07.2023 and 281 of 2023 dated 25.08.2023. The learned Additional Public Prosecutor further submitted that a letter has already been given to the Wakf board in order to ascertain the construction work, that is being put up by the petitioner and the reply is awaited.



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3. The learned Standing counsel appearing on behalf of the Wakf board submitted that the issue involved in this case has already been dealt with by this Court in W.P.No.17136 of 2023 by order dated 16.06.2023. The learned counsel submitted that the Wakf board has categorically informed the Court that the construction is being put up only on the permission granted by the Wakf Board.

4. In view of the stand taken by the respective counsel, there shall be a direction to the Wakf board to give clarification to the first respondent with regard to the construction that is being put up by the petitioner. If ultimately the petitioner is putting up the construction after getting permission of the Wakf board and there is any interference with the same, the first respondent shall take necessary action and if required, police protection shall also be given.

5. This writ petition is disposed of in the above terms.

23.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
nsa



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N. ANAND VENKATESH, J.

nsa

To

1.The Inspector of Police,
J5, Sasthiri Nagar Police Station,
Besant Nagar, Chennai 600 090

2.The Public Prosecutor,
Madras High Court,
Chennai 600 104..

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