



W.P(MD)No.14452 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.14452 of 2023

Sahul Hameed I

... Petitioner

Vs

1.The Chief Executive Officer,
Tamil Nadu Waqf Board, No.1,
Jaffar Syrang Street,
Vallal Seethakkathi Nagar,
Chennai 600 001.

2.The Superintendent of Wakf,
Tamil Nadu Wakf Board,
Kanyakumari District.

3.M/s. Malik Dinar Mosque Jamath,
Represented by its President,
Ponarippu Street,
Kottar Post,
Nagercoil,
Kanyakumari District.

4.A.Mohamed Abdul Kadar

Respondents

(R4 is impleaded as per the order of this Court in WMP(MD) No.20375 of 2023 by BPJ)



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned order in Proc.R.C.Np. 14604/07/B1/KK dated 31.03.2023, passed by the 1st respondent which posted on 27.04.2023 and quash the same and direct the 3rd respondent to conduct prayer by following Sunnathul Jamath Custom in M/s. Malik Dinar Mosque Jamath, Pon Arippu Street, Kottar Post, Nagercoil in accordance with proforma Report dated 23.08.2005 and consequently direct the 1st and 2nd respondents to monitor same .

For Petitioner	: Mr.V.Sukumar
For R1 & R2	: Mr.K.K.Senthil Standing Counsel
For R3	: Mr.Haja Mohideen
For R4	: Mr.C.T.Perumal

ORDER

The case of the petitioner is that he is a member of Malik Dinar Mosque Jamath, Nagercoil, Kanyakumari District. Apart from this petitioner, 700 other families are also the members of the said Jamath and as time immemorial, they are following sunnath



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Jamath customs. The grievance of the petitioner is that a few people, who have taken over the management of the Jamath have appointed a present Immam, who is the follower of JAQH (Jammiyathul Ahle Quran al Hadees) method of islamic prayer and they are deviating from the traditional and customs practice of islamic prayer. Hence, the petitioner and other members have made representations to the Waqf Board and filed this writ petition.

2.This Court, in a writ petition in WP(MD) No.16208 of 2022 filed by one A.Mohamed Abdul Kadar/the fourth respondent herein, has issued a direction to the Tamil Nadu Waqf Board to conduct an enquiry and to file a report with regard to the method of prayer adopted in the said Jamath. Accordingly, the Superintendent of Waqf, Tirunelveli has conducted an enquiry and found that Sunnath Jamath customs are adopted in Malik Dinar Mosque Jamath and an order has also been passed to that effect in R.C.No. 14604/07/B1/KK on 31.03.2022.



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3. Being not satisfied with the order, the petitioner has filed this writ petition with an allegation that the third respondent is still adopting the JAQH (Jammiyathul Ahle Quran al Hadees) method of islamic prayer.

4. In response to this writ petition, the third respondent has filed a counter affidavit stating that traditional practice of prayer alone has been adopted in the Malik Dinar Mosque Jamath. The learned counsel for the third respondent has also confirmed that in the said Malik Dinar Mosque Jamath, Sunnath Jamath customs are adopted and not JAQH (Jammiyathul Ahle Quran al Hadees) method of islamic prayer. This submission of the learned counsel for the third respondent is also confirmed by the learned counsel for the Tamil Nadu Waqf Board and other respondents.

5. In view of the above, this writ petition is disposed of with a direction to the third respondent to strictly adopt the



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traditional practice of prayer in Malik Dinar Mosque Jamath. The Superintendent of Waqf Board shall monitor the same. No costs.

12.10.2023

NCC: Yes/No
Index: Yes/No
Internet: Yes
vrn

To

1. The Chief Executive Officer,
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2. The Superintendent of Wakf,
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B.PUGALENDHI, J.

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Order made in
W.P(MD)No.14452 of 2023

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