



WP(MD)No.23836 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.10.2023

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**WP(MD)No.23836 of 2023**  
**and**  
**WMP(MD)Nos.20004, 20005 of 2023**

H.Kabeer

.. Petitioner

v.

1.Muslim Jama-Ath Maniyankuzhi,  
Rep. by its General Secretary,  
Maniyankuzhi (PO),  
Kulasekharam (Via),  
Kanyakumari – 629 161.

2.Hajara

3.Chief Executive Officer,  
Tamil Nadu Wakf Board,  
No.1, Jaffar Syrang Street,  
Vallal Seethaka Nagar, Chennai.

4.The Superintendent of Wakf,  
No.139, Dr.Besant Road,  
Ice House, Triplicane,  
Chennai.

5.The Revenue Divisional Officer,  
NH 66, Thucklay,  
Kanyakumari District – 629 175.



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6.The Inspector of Police,  
Kulasekharam Police Station,  
Kanyakumari District.

.. Respondents

[R.3 to R.6 impleaded vide order dated 29.09.2023]

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the notice issued by the first respondent dated 15.09.2023, quash the same as illegal and consequently, forbear the first respondent from interfering in the exercise of the petitioner's religious rights.

For Petitioner : Mr.G.Anto Prince

For Respondents : Mr.R.L.Dhilipan Pandian for R.1

Mr.K.N.Guru for R.2

Mr.S.A.Ajmal Khan,  
Standing Counsel for R.3, R.4

Mr.P.T.Thiraviam,  
Government Advocate  
for R.5

Mr.B.Thanga Aravindh,  
Government Advocate (Crl. Side)  
for R.6

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## **ORDER**

The petitioner and his family members are members of a religious association, namely, Muslim Jama-Ath Maniyankuzhi / first respondent and they are paying a monthly subscription of Rs.150/- to the Jamath. It appears that there is a dispute between the petitioner and his sister / second respondent herein. In view of the same, the General Secretary of the Jamath / first respondent has sent a communication to this petitioner on 15.09.2023 that he has been removed from the Jamath and also directed him to pay a sum of Rs.5,00,000/- and also to tender general apology. Challenging this letter dated 15.09.2023, the petitioner has filed this writ petition that the petitioner has been ex-communicated from the Jamath.

2.This Court has entertained this writ petition on 29.09.2023 and granted an order of interim stay. This Court has also directed the official respondents to get instructions.



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3.Today, when the writ petition is listed for hearing, learned Counsel for the first respondent submitted that on his advise, the letter impugned in this writ petition has been withdrawn. He further submitted that such a practice would not be entertained in future also.

4.Learned Counsel for the petitioner submitted that though the impugned letter has been withdrawn, the first respondent has issued a secret order prohibiting the members of the Jamath from purchasing any meat from the petitioner's shop.

5.Learned Counsel for the first respondent refuted this allegation.

6.Learned Standing Counsel for the respondents 3 & 4 / Wakf Board submitted that the first respondent Jamath is not a registered body, however, the Wakf Board is having supervisory power u/s.64 of the Wakf Act. Therefore, they will monitor the further activities of the first respondent Jamath and will take appropriate action, if need be.



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**WEB COPY** Recording the above submissions, this writ petition is closed. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No  
NCC : Yes / No  
Internet : Yes  
gk

**09.10.2023**

To

- 1.The Revenue Divisional Officer,  
NH 66, Thucklay,  
Kanyakumari District – 629 175.
- 2.The Inspector of Police,  
Kulasekharam Police Station,  
Kanyakumari District.



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**B.PUGALENDHI, J.**

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