



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Friday, the Twenty Seventh day of January Two Thousand and
Twenty Three

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PRESENT

The Hon`ble Mr.Justice MOHAMMED SHAFFIQ

WMP(MD) No.20579 of 2022

IN

WP(MD) No.24409 of 2022

HAJA MOHIDEEN GISTHI.S

ADVOCATE,

S/O SHAHUL HAMEED,

HAVING OFFICE 6C, 2ND FLOOR, ABIRAMI SAMSUD SUARE,

JAYALAKSHMIPURAM FIRST STREET,

NUNGAMBAKKAM, CHENNAI 34

... PETITIONER/RESPONDENT

Vs

1 SYED KUTHARATHULLA G

2 AMIRIBRAHIM.S

3 SYED KUTHBAI ALAM HUSSAINI.A

4 AHAMED MUSTAFA.I.S

5 SYED ABDUL RAHIMAN IBRAHIM

...PETITIONERS/RESPONDENTS

6 THE SECRETARY

BACKWARD CLASSESS,

MOST BACKWARD CLASSES AND

MINORITIES WELFARE DEPARTMENT,

SECRETARIAT,

CHENNAI-600 009

7 THE CHAIRMAN

TAMIL NADU WAKF BOARD,

NO. 1, JAFFER SYRANG STREET,

VALLAL SEETHAKATHI NAGAR,

CHENNAI-600 001

8 THE CHIEF EXECUTIVE OFFICER

TAMIL NADU WAKF BOARD,

NO. 1, JAFFER SYRANG STREET,

VALLAL SEETHAKATHI NAGAR, CHENNAI-600 001



9 IBRAHIM.A.H

... RESPONDENT/RESPC



Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to

a. direct grant of police protection to the petitioner (S.Haja Mohideen Gisthi, Advocate and Standing Counsel for Tamilnadu Wakf Board) by the respective Commissioners of Police in Madurai City and Chennai City pending disposal of the above writ petition and

b. Grant an interim order restraining the respondents 1 to 5 / writ petitioners, the Respondent 9 to 13 herein and the Haqdars claiming under them from indulging in making and extending life threatening calls to the petitioner (S.Haja Mohideen Gisthi, Advocate and Standing counsel for Tamilnadu Wakf Board) pending disposal of the above WP(MD).No. 24409 of 2022 and pass such further or other orders as this Honble Court may deem fit and proper in t

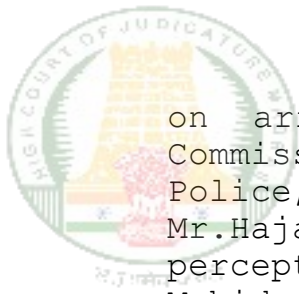
ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.BALAJI.S, Advocate for the petitioner, the court made the following order:-

The writ miscellaneous petition has been filed praying to grant protection to the petitioner (S.Haja Mohideen Gisthi, Advocate and Standing Counsel for Tamilnadu Wakf Board) by the respective Commissioners of Police in Madurai City and Chennai City pending disposal of the above writ petition and grant an interim order restraining the Respondents 1 to 5 / writ petitioners, the Respondents 9 to 13 herein and the Haqdars claiming under them from indulging in making and extending life threatening calls to the petitioner.

2. During the pendency of the writ petition in W.P. (MD) No.24409 of 2022, an interim direction was passed by this Court on 14.11.2022, the same reads as under:

"The matter was listed as Item No.36 today. Even before hearing commenced, mentioning was made at 02.15 pm, i.e., on 14.11.2022 by Mr.Haja Mohideen Gisthi, learned Senior Standing Counsel that since he landed in Madurai, he received certain Whatsapp messages, wherein, allegations have been made against him questioning his integrity in particular with this matter. He also received calls from unknown numbers ordering him to not to involve in the above writ petition and resorted to adopt threatening postures on phone (threat to his life). Mr.Haja Mohideen Gisthi expressed concerns over his safety and therefore, seeks Police protection.

2. Mr.Sethuraman, learned Additional Public Prosecutor was present and he was directed to instruct the Police Department to provide Police Protection to Mr.Haja Mohideen Gisthi to the Madurai Airport and thereafter,



on arrival at Chennai Airport, to his house. The Commissioner of Police, Madurai and the Commissioner of Police, Chennai would thereafter provide protection to Mr.Haja Mohideen Gisthi taking into account the threat perception and the cost shall be borne by Mr.Haja Mohideen Gisthi. The above direction is being issued in view of the urgency expressed and also the seriousness of the threat, though normally an application/ petition ought to be filed seeking police protection. The above arrangement shall continue for a week until 21.11.2022. It is open to Mr.Haja Mohideen Gisthi to file appropriate application seeking police protection setting out the circumstances on or before 21.11.2022.

3. The counsels on either side would submit that such incidents are to be avoided and all counsels unanimously agreed to advise their clients not to engage in any such acts. This Court strongly deprecates the above action and condemns the same in the strongest possible terms. If any of the above action are found to be have nexus with and impact/ tend/ change / alter the course of justice, strict measures would be taken."

Thereafter, the interim order granted by this Court was extended till 25.11.2022. Pursuant to the above, the present writ miscellaneous petition has been filed.

3. It was made clear while pronouncing the orders that the writ petition has been disposed of and therefore, security may no longer be required. However, Mr.Haja Mohideen Gisthi would submit that he still apprehends that the threat continues and therefore request that liberty may be granted by this Court to approach the appropriate authority/ forum by filing an appropriate representation/ application for police protection. It was also submitted that he intends to travel abroad and thus it may not be possible to immediately file an application. He thus sought eight (8) weeks time for filing an application / petition seeking police protection. Though, it is also submitted that the cost for providing security must be borne by the State, this Court is not inclined to accede to the same for it was mentioned on more than one occasion by the learned counsel for the petitioner on record that they may be granted liberty to secure reimbursement from the Wakf Board. It is open to the petitioner to approach the Board with regard thereto.

4. After having considered the submission and the alleged threat perception, this Court is of the view that the earlier direction of this Court may continue for a period of eight (8) weeks from today on the same terms and it is open to the petitioner to file appropriate petition/ application/ representation seeking police protection before the appropriate forum/ authority.



5. With the above directions, the writ miscellaneous petition stands closed.

sd/-

27/01/2023

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/02/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 THE SECRETARY
BACKWARD CLASSES,
MOST BACKWARD CLASSES AND
MINORITIES WELFARE DEPARTMENT,
SECRETARIAT,
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- 2 THE CHAIRMAN
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ORDER

IN

WMP (MD) No.20579 of 2022

IN

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Date :27/01/2023

RK/CG/SAR-1 (27/02/2023) 4P/4C