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Writ Petition No.848 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.848 of 2024

Suhail Hyder Khan
S/o.Kumail Hyder Khan

... Petitioner

Vs.

1.The Commissioner of Police,
Tambaram Commissioner Office,
No.2, Medavakkam Road,
Bharathi Nagar, Sozhangannallur - 600 119.

2.The Inspector of Police,
Law and Order,
T-3, Pallavaram Police Station,
Chennai - 600 043.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issuance of a Writ of Mandamus directing respondents 1 and 2 to grant adequate police protection on 12.01.2024 and 25.01.2024 for conducting the Sandhankaapu festival/ceremony ritual scheduled to be held on 12.01.2024 and 25.01.2024 at Hazrath Moula Ali Darghaamd Masjid Pallavaram, by considering the petitioner's representation dated 30.12.2023.

For Petitioner : Mr.Swarnam J. Rajagopalan
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

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This writ petition has been filed for issuance of a writ of mandamus directing the respondents 1 and 2 to grant adequate police protection to the petitioner for conducting the Sandhankaapu festival/ceremony to be held on 12.01.2024 and 25.01.2024.

2. Heard Mr.Swarnam J. Rajagopalan, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondents.

3. When the matter came up for hearing on 19.01.2024, this Court passed the following order:

"The learned Additional Public Prosecutor seeks for some more time on the ground that steps are being taken to refer the matter to RDO to conduct a peace committee meeting.

2. The learned counsel for the petitioner submitted that the festival was conducted on 12.01.24 without any problem and police protection was also given on that day. The petitioner is directed to file an affidavit to that effect before this Court to enable this Court to pass further orders.

3. Post this case under the same caption on 22.01.2024."



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4. When the matter was taken up for hearing today, learned counsel for petitioner filed the affidavit of the petitioner and the relevant portions are extracted hereunder:

"3. The case had come up for hearing on 12/01/2024 and this Hon'ble Court was pleased to adjourn the proceeding at the request of the Learned Public Prosecutor to 19/01/2024 on 12/01/2024. The 1st Rajab flag hoisting took place and based on my representation dated 30/12/2023, police parties were present in the mosque premises and when the trouble makers arrived at the premises and attempted to stall the ceremony, the police parties prevented them from acting in an unruly way and made peaceful conduct of the festival on that day.

4. I respectfully state that as the ceremony of sandhana Koodu commenced on 12/01/2024 and the main ceremony is proposed to be conducted on 25/01/2024 it is humbly prayed that this Hon'ble court may be pleased to order the police to grant enough police protection and thus render justice."

5. The second respondent has also filed a status report. In the status report, the second respondent has taken into consideration the order that was passed by the Court in W.P.No.2396 of 2023, dated 10.04.2023. It is also stated that this order has not been put to challenge till date. However, some of the persons, who claim to be belonging to the Ad hoc committee are causing some disturbance and therefore, there is likelihood of a law and order problem. It is under these circumstances, the representation made by the petitioner seeking for police protection was not considered.



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6. This Court while disposing of W.P.No.2396 of 2023 by order dated 10.04.2023, interfered with the proceedings of the Tamil Nadu Waqf Board, dated 05.01.2023 appointing an Ad hoc committee. This Court quashed the same and specifically permitted the petitioner to act as Muthavalli of the Waqf. By virtue of this order, there is no question of interference by the members of the Ad hoc committee since the proceedings through which they were appointed has already been interfered by this Court. This order has also become final. Therefore, till the Tamil Nadu Waqf Board issues any subsequent proceedings in this regard, there is no question of preventing the petitioner from conducting the festival.

7. It is clear from the affidavit filed by the petitioner that the festival on 12.01.2024 went on without any untoward incident and flag hoisting has been completed. Therefore, there is no reason to prevent the petitioner from conducting the Sandhankaapu festival/ceremony on 25.01.2024. If any interference is made in conducting the festival, the second respondent shall provide police protection and shall take action against persons, who are trying to create any law and order problem.



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costs.

This Writ Petition is disposed of with the above direction. No

22.01.2024

Note: Issue order copy by 23.01.2024

Speaking Order/Non-speaking Order

Index : Yes/No

Neutral citation: Yes/No

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To

1.The Commissioner of Police,
Tambaram Commissioner Office,
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N.ANAND VENKATESH, J.

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