



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 19.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.2742 of 2024

M/s. Murthuzaviya Charitable Educational and Cultural
Foundation of South India

Duly Rep by its Joint Secretary Mr. Ameer Ahamed Munaff

No 12 / 186, Big Street,
Triplicane, Chennai 600 005

... Petitioner

Vs.

1.State Rep. by: The Inspector of Police,
D-1, Triplicane Police Station,
Wallahjah Road,
Chennai – 600 005.

2.Mr.Walliullah Khadri

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus, directing the respondent police to provide police protection to M/s.Muthuzaviya Charitable Educational and Cultural Foundation of South India and its office bearers from the 2nd respondent and his men for effective functioning of M/s.Murthuzaviya Charitable Educational and Cultural Foundation of South India.



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For Petitioner : Mr.V.S.Senthilkumar
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor
for R1

Mr.H.Mohamed Ghouse for R2

ORDER

This writ petition has been filed for a direction to the respondent police to provide police protection in order to enable smooth functioning of the Institution.

2.When the matter came up for hearing on 08.02.2024, the learned Additional Public Prosecutor submitted that an enquiry is pending in this regard in CSR No.32 of 2024 and that a decision will be taken and it will be informed to this Court.

3.Today when the matter came up for hearing, the 1st respondent has filed a counter. The relevant portions are extracted hereunder:

13. It is submitted that based on the summon, on 16.02.2024, both parties Syed Walliullah Kadhri and Ameer Ahamed Munif /petitioner were appeared before the 1st respondent police. During the course of enquiry it was revealed that the said Syed Walliullah Kadhri did not objection to entering into the said premises and



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Educational Institutions and also given keys of the said premises. Further the said petitioner/Ameer Ahamed Munif given written statement that they have amicably come to a conclusion that the said Syed Walliullah kadhri will not in any way prevent us from entering, accessing and functioning the said premises and Educational Institutions.

14. It is submitted that during the course of investigation it was revealed that, on 21.11.2023 an Election was conducted for electing the Executive Members and a meeting was also conducted for adopting resolution. During the Election, one Syed Fazullah Khadri was selected and is now President of M/s. Murthuzaviya Charitable Educational & Cultural Foundation of South India.

15. It is submitted that now the petitioner/ M/s.Muruthuzaviya Charitable Educational & Cultural Foundation of South India filed a present petition before the Hon'ble High Court of Madras directing the respondent police to provide police protection to M/s.Murthuzaviya Charitable Educational and Cultural Foundation of South India and its office bearers from the 2nd respondent and his men for effective functioning of M/s.Murthuzaviya Charitable Educational & Cultural Foundation of South India.

4.It is also brought to the notice of this Court that the 2nd respondent in his

capacity as the Secretary and Correspondent has also filed a suit against the



petitioner and two others in O.S.No.6868 of 2023, which is pending before the XIIth Assistant Sessions Judge, City Civil Court, Chennai. The cause of action for filing this suit is as follows:

11) The cause of action for the suit arose within the Jurisdiction of this Honourable Court where the suit schedule property is situate, on 19.10.2022, when the Plaintiff was selected as Secretary & Correspondent by the General Body and Executive Committee Members of the Murthuzaviya Educational and Cultural Foundation of South India; On 18.11.2023, the President of Murthuzaviya Educational and Cultural Foundation of South India, Mr. S.A. Khadri @ Syed Amanullah Khadri died; on 22.11.2023, Dr. S.S.M. Khadri @ Dr. Syed Sultan Mohideen Khadri was selected as President of Murthuzaviya Educational and Cultural Foundation of South India; On when Defendants herein were claiming themselves as management of the said Foundation, depicting Letter Head of the Murthuzaviya Educational and Cultural Foundation of South India portraying themselves as President, Secretary Correspondent, Treasurer & Joint Secretary. Thereby the Defendants have committed act of breach, illegal act and impersonation, hence lodged Online Complaint in CCTNS Citizen Portal on 22.11.2023; on 27.11.2023, the Defendants have sent some henchmen to Murthuzaviya Educational and Cultural Foundation of South India and its institution to disturb the peaceful functioning of the Institutions, but the Defendants have threatened that if the Plaintiff did not handover the management of the



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Murthuzaviya Educational and Cultural Foundation of South India and its Institutions to the Defendants, the Defendant's men will throw away the Plaintiff and coercively succeed the management and Plaintiff lodged Complaint with Commissioner of Police against defendants and on 27.11.2023 the Plaintiff issued legal notice to the Defendants, within jurisdiction of this Hon'ble Court.

5.It is clear from the above that there is a civil dispute pending between the parties with respect to the functioning and management of the Institution. Whatever is the stand taken by the parties before the police, that does not entitle the police to interfere in a case of this nature. The parties will have to necessarily workout their dispute only before the competent Civil Court. Apart from giving this clarity, no further orders can be passed in this writ petition.

5.This writ petition is disposed of in the above terms. No Costs.

19.02.2024

Index : Yes/No

Internet : Yes/No

ssr

To

1.The Inspector of Police,
D-1, Triplicane Police Station,
Wallahjah Road,
Chennai – 600 005.

<https://www.mhc.tn.gov.in/>



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N. ANAND VENKATESH, J.

SSI

2.The Public Prosecutor,
High Court, Madras.

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