



W.P.No.4421 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

**W.P.No.4421 of 2010**  
**and**  
**M.P.Nos.1 and 3 of 2010**

S.Aboobacker

...Petitioner

-Vs-

- 1.Union of India,  
Rep.by Secretary to Government,  
Ministry of Home Affairs,  
North Block,  
New Delhi – 110 001.
- 2.Ministry of Minority Affairs,  
Rep.by its Joint Secretary,  
11<sup>th</sup> Floor, Paryanaran Bhavan,  
CGO Complex, Lodi Road,  
New Delhi – 110 003.
- 3.State of Tamil Nadu,  
Rep.by Secretary to the Government,  
Home Department,  
Fort St. George,  
Chennai - 600 009.
- 4.The District Collector,  
Tiruvallur District.



W.P.No.4421 of 2010

5. The Commissioner of Police,  
Suburban Chennai,  
St. Thomas Mount,  
Chennai – 16.
6. The Revenue Divisional Officer,  
Ponnery,  
Tiruvallur District.
7. The Tamil Nadu Wakf Board,  
Rep.by its Chief Executive Officer,  
No.1, Jafar Sirang Road,  
Seethakadhi Nagar,  
Chennai – 600 001.
8. The President,  
Porur Sheik Maniam,  
Masjid-E-Hairunisha Mousque Committee,  
Vanagaram, Porur,  
Chennai – 600 116.
9. S. Sankar  
(R9 impleaded as per Order  
dated 08.03.2014 in M.P.No.2 of 2010  
in W.P.No.4421 of 2010)

...Respondents

**Prayer :** Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the sixth respondent in his proceedings L & O No.1/2010 dated 13.02.2010 and quash the same as illegal and also to declare the consequential acts of the respondents 4 to 6 of exhumed body of the petitioner's mother from the graveyard and reburied in another place also and further direct the respondent 3 to 6 to re-bury the petitioner's mother



W.P.No.4421 of 2010

body in the same place of originally buried, without deviating from the religious customs.

For Petitioner : Mr.K.Shahul Hameed  
For R3 and R5 : Mr. E. Vijay Anand,  
Additional Government Pleader  
For R4 & R6 : Mr.S. J.Mohamed Sathik,  
Government Advocate  
For R9 : Mr.M.Venkatakrisnan

### **ORDER**

This Writ Petition has been filed for the issuance of Writ of Certiorarified Mandamus, calling for the records of the sixth respondent in his proceedings L & O No.1/2010 dated 13.02.2010 and quash the same as illegal and also to declare the consequential acts of the respondents 4 to 6 of exhumed body of the petitioner mother from the graveyard and reburied in another place also and further direct the respondent 3 to 6 to re-bury the petitioner mother body in the same place of originally buried, without deviating from the religious customs.

2. The learned counsel for the petitioner submitted that the prayer sought for in this writ petition has become infructuous.



W.P.No.4421 of 2010

WEB COPY

3. In view of the submission, this Writ Petition is dismissed as infructuous. Consequently, connected Miscellaneous petitions are closed.

No costs.

29.04.2024

Index : Yes/No

Neutral Citation: Yes/No

Speaking/Non Speaking order

mn

To

1.The Secretary to Government,  
Union of India,  
Ministry of Home Affairs,  
North Block, New Delhi – 110 001.

2.The Joint Secretary,  
Ministry of Minority Affairs,  
11<sup>th</sup> Floor, Paryanaran Bhavan,  
CGO Complex, Lodi Road,  
New Delhi – 110 003.

3.The Secretary to the Government,  
State of Tamil Nadu,  
Home Department,  
Fort St. George, Chennai - 600 009.

4.The District Collector,  
Tiruvallur District.



W.P.No.4421 of 2010

WEB COPY

5.The Commissioner of Police,  
Suburban Chennai,  
St. Thomas Mount,  
Chennai – 16.

6.The Revenue Divisional Officer,  
Ponnery,  
Tiruvallur District.

7.The Chief Executive Officer,  
Tamil Nadu Wakf Board,  
No.1, Jafar Sirang Road,  
Seethakadhi Nagar,  
Chennai – 600 001.

8.The President,  
Porur Sheik Maniam,  
Masjid-E-Hairunisha Mousque Committee,  
Vanagaram, Porur,  
Chennai – 600 116.



WEB COPY



W.P.No.4421 of 2010

**G.K.ILANTHIRAIYAN. J.**

mn

W.P.No.4421 of 2010

29.04.2024