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W.P.No.6333 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.6333 of 2024

Dargah Hazarath Syed sha Murthuza Pasha Khadri
& Asar – E – Shareef,
Rep by its Muthawalli,
Syed Fazlullah Khadri,
Having office at
No.12/186, Big Street, Triplicane,
Chennai – 600 005.

.. Petitioner

Vs.

- 1.The Commissioner of Police,
The Office of the Commissioner of Police,
Veperi, Chennai.
- 2.The Assistant Commissioner of Police,
Office of Assistant Commissioner of Police,
D-1, Police Station,
Chennai.
- 3.The Inspector of Police,
D-1, Police Station,
Wallajah Road, Chennai.
- 4.The Tamil Nadu Waqf Board,
Rep by its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakadhi Nagar,
Chennai – 600 001.

5.Syed Walliyullah

.. Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 to 3 to provide adequate police protection to conduct Sandal and Urus to the petitioner Waqf situated at No.12/186, Big Street, Triplicane, Chennai for a period of 2 days commencing from 10.03.2024 to 11.03.2024 (28th and 29th day of Shaban, eight month of Islamic Hijiri Calendar) by restraining the 5th respondent, their men, agent or whomsoever from causing any hindrance by considering the representation dated 06.03.2024.

For petitioner	:	Ms.A.Ajimath Begam
For RR 1 to 3	:	Mr.A.Gopinath Government Advocate
For R4	:	Mr.Hajamohideen Gisthi Standing Counsel

ORDER

This writ petition has been filed for a direction to the respondents 1 to 3 to provide adequate police protection to conduct Sandal and Urus to the petitioner Waqf situated at No.12/186, Big Street, Triplicane, Chennai on 10.03.2024 & 11.03.2024 by considering the representation of the petitioner dated 06.03.2024.

2.Heard the learned counsel for the petitioner, the learned Government Advocate for respondents 1 to 3 and the learned Standing Counsel for the 4th respondent.



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3.It is seen from the records that the 4th respondent through proceedings dated 16.02.2024 has already recognized the petitioner as Muthawalli and it is stated that this order passed by the Waqf Board is in force till date.

4.The learned Standing Counsel appearing for the 4th respondent submitted that such an order was passed by the Waqf Board recognizing the petitioner as Muthawalli. In the absence of any restraint order passed by any other competent Court, the order passed by the Waqf Board will have to be acted upon.

5.The learned Government Advocate appearing for the respondents 1 to 3 submitted that there is a dispute between the petitioner and the 5th respondent with respect to the administration of the Waqf and a suit is also pending in this regard in O.A.No.12 of 2024 before the Tamil Nadu Wakf Tribunal, Chennai.

6.The proceedings of the 4th respondent dated 16.02.2024 makes it clear that the petitioner has been recognized as the Muthawalli. In the absence of any restraint order over this decision taken by the Waqf



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Board, the petitioner cannot be prevented from conducting the festival on 10.03.2024 and 11.03.2024. Hence, there shall be a direction to the 3rd respondent to act upon the representation / complaint given by the petitioner on 06.03.2024 and in the absence of any order restraining the proceedings of the Waqf Board dated 16.02.2024, protection shall be given and 3rd respondent shall ensure that the festival goes on in a smooth manner without giving rise to any law and order problem.

7.This Writ Petition is disposed of with the above directions. No costs.

08.03.2024

krk

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

NOTE: Issue order copy today, i.e., on 08.03.2024.

To

- 1.The Commissioner of Police,
The Office of the Commissioner of Police,
Veperi, Chennai.
- 2.The Assistant Commissioner of Police,
Office of Assistant Commissioner of Police,
D-1, Police Station, Chennai.



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- 3.The Inspector of Police,
D-1, Police Station,
Wallajah Road, Chennai.
- 4.The Tamil Nadu Waqf Board,
Rep by its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakadhi Nagar,
Chennai – 600 001.
- 5.The Public Prosecutor,
Madras High Court,
Chennai.



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N.ANAND VENKATESH, J.

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