



WP(MD) No.4554 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.02.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD) No.4554 of 2024

M.Faisalkhan Samoji

... Petitioner

/vs./

1.The Commissioner of Police,
C.O.P.Office,
TVS Tollgate,
Trichy 20, Trichy District.

2.The Inspector of Police,
Thillainagar Police Station,
Thillainagar, Trichy,
Trichy District.

3.M.Shahul Hameed

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd Respondent herein to provide necessary police protection to carry out repair and renovation works at Sha Fazullahsha Kadiri Pallivasal Wakf, which is situated at Tennur, Trichy-17, as well as his life and limb in the light of the representation dated 26.12.2023 within a stipulated period as may be fixed by this Court.

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For Petitioner : Mr.R.Sundar

For R1 & R2 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

ORDER

The learned Counsel for the Petitioner submits that the Petitioner is appointed as Muthavalli by the Wakf Board for the Sha Fazullahsha Kadiri Pallivasal Wakf. It is his further submission that the Government of Tamil Nadu had provided funds for renovation and repair works of the Wakf properties. While so, the Petitioner had taken up the renovation work. Rs.3,00,000/- was received by the Petitioner, but he is unable to carry out the renovation and repair works of the Wakf properties located in Tennur, which falls under the jurisdiction of the Inspector of Police, Thillainagar Police Station.

2.The third Respondent, who has no right or claim in the Wakf properties, had been interfering with the renovation and repair works of the Wakf properties by the Petitioner by indulging in activities and damaging the properties with man power. Therefore, the Petitioner was forced to give a representation to the Respondents 1 and 2 dated 26.12.2023 seeking police protection to complete the



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renovation and repair works of the Wakf properties. The first installment itself is unable to use. Only if he uses the first installment, the second installment will be provided by the Government. The conduct of the third Respondent causes delay and loss to the Wakf, if the financial help rendered by the State Government will become useless. Therefore, he seeks directions against the Respondents 1 and 2 for providing police protection against the activities of the third Respondent.

3.The learned Government Advocate (Crl.side) on instruction of the Respondents 1 and 2 would submit that the second Respondent had opened current paper and issued summons to the third Respondent and the Petitioner herein. The third Respondent is alleged to have obtained signatures of many people, who are interested in the Wakf properties. 5 rival parties appeared and gave an undertaking to the second Respondent that they will resolve the dispute through the competent civil Court. Therefore, the second Respondent was forced to close the enquiry in the current paper.

4.Considering the submission made by the learned Counsel for the Petitioner and the learned Government Advocate (Crl.side), the Petitioner is



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directed to obtain appropriate orders from the competent Civil Court restraining the third Respondent and his men, who does not have any claim or right in the properties of the Wakf. By exercising the power under Article 226 of the Constitution of India, this Court is unable to pass any orders in favour of the Petitioner. The Petitioner has a good case before the civil Court.

This Writ Petition is closed, accordingly. No costs.

28.02.2024

Index : Yes / No
Internet : Yes / No
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TO:

- 1.The Commissioner of Police,
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SATHI KUMAR SUKUMARA KURUP, J.

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