



WP(MD) No.6461 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **15.03.2024**

CORAM:

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

W.P.(MD) No.6461 of 2024

M.I.Abdul Gafoor,

... Petitioner

/vs./

- 1.The Chief Executive Officer,
Tamil Nadu Waqf Board,
Chennai.
- 2.The Superintendent of Police,
Kanniyakumari District.
- 3.The Deputy Superintendent of Police,
Kanniyakumari District.
- 4.The Inspector of Police,
Kanniyakumari Police Station,
Kanniyakumari.
- 5.The Superintendent of Wakfs/Executive Officer of
The Meerasa Andavar Pallivasal, Kanniyakumari,
Having office at
51/80, Kader Auliya Mosque Premises,
Kulavanikarpuram,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents 3 and 4 to provide adequate police protection to carry out the works including distribution of Nonbu Kanji by the Ramadhan Special Committee constituted by the first Respondent.



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For Petitioner : Mr.A.S.Abul Kalaam Azad
For M/s.Spicy Law Firm

For R-2 to R-4 : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)

For R-1 and R-5 : Mr.G.Chandrasekar
Standing Counsel

ORDER

The learned Counsel for the Petitioner submitted that the Petitioner is one of the 12 members of the Meerasa Aandavar Palllivasal, Muslim Street, Kanniyakumari District, which is under the direct management of the Tamil Nadu Wakf Board. It is the contention of the learned Counsel for the Petitioner that there is a fundamentalist organization called Jamiyath Ahlil Quaran Wal Hadees (JAQH) following the Wahabi principles. From 2007, a group of persons are following the JAQH organization and they are acting separately in the name of Muslim Jamath. The Petitioner belongs to Sunnathwal Jamath and practicing the customs and rituals being followed in India and celebrate the Ramadhan festival on the date announced by the Chief Kazi appointed by the Government of Tamil Nadu.



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2. It is the contention of the learned Counsel for the Petitioner that the members of JAQH followed the customs as is practicing in Saudi Arabia. They celebrate the Ramadhan festival on the date, on which it is celebrated in Saudi Arabia. The persons belonging to JAQH tried to interfere in the Wakf in the year 2018 and there were several issues. The National Minorities Commission directed the District Collector, Kanniyakumari to enquire and file a report. Based on the direction, the District Collector, Kanniyakumari enquired and recommended to take the Wakf under the direct management of the Tamil Nadu Wakf Board. After a legal battle, the Wakf is now under the direct management of the Tamil Nadu Wakf Board. Every year the Wakf Board used to constitute a Ramadhan Special Committee to take care of the Ramadhan special events including Nonbu Kanji. This year, the first Respondent constituted a committee through his proceedings in Se.Mo.No.12536/07/B1/KK dated 29.02.2024. The fifth Respondent sent a communication to the Respondents 3 and 4 through his communication in Na.Ka.G.S.No.13/KK/Ni.A.W.S/2024 dated 06.03.2024, seeking police protection to the Ramadhan Special Committee constituted by the first Respondent. The Petitioner along with other members of the Ramadhan Special Committee approached the fourth Respondent Police and requested him to provide Police protection. The fourth Respondent invited the members of JAQH and conducted a meeting. The JAQH members informed that



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they also applied to include their names in the committee. The fourth Respondent informed the Petitioner that they can commence the work of distributing Nonbu Kanji and if the other names are included later, then those persons can also participate.

3. It is the grievance of the Petitioner that even though the Chief Executive Officer of the Tamil Nadu Wakf Board have communicated to the Respondents 2 to 4 to provide Police protection, the Respondents 2 to 4 had not provided Police protection. Therefore, the Petitioner was forced to file this Writ Petition, as he is unable to commence the work of Ramadhan related activities of distributing Nonbu Kanji in the Mosque.

4. The learned Government Advocate (Criminal Side) on instructions from the Respondents 2 to 4 would submit that the Respondents 2 to 4 are ready to abide by the orders of this Court.

5. The learned Counsel appearing for the Respondents 1 and 5 would submit that the Chief Executive Officer of the Tamil Nadu Wakf Board himself had communicated directly to the District Collector as well as the Superintendent of Police, to protect and to provide Police protection to 12 members committee nominated by the Tamil Nadu Wakf Board.



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6. The learned Counsel for the Petitioner had himself invited the attention of this Court to the copies of the typed set furnished by him which contains the communication issued by the fifth Respondent. The fifth Respondent himself had communicated the proceedings of the first Respondent to the Respondents 2 to 4.

7. In the light of the above, considering the sensibilities involved during the Ramadan month and to maintain peace, the advise of the Respondents 1 and 5 shall be taken in good spirit and Police protection shall be provided to the 12 members committee constituted under the advise and direction of the Respondents 1 and 5. The Respondents 2 to 4 are directed to provide Police protection to the committee as per the request of the Respondents 1 and 5.

8. With the above direction, this Writ Petition is disposed of. No costs.

15.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Nsr

Note: Issue Order Copy on 15.03.2024.



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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

Order made in
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