



W.P.(MD)No.27251 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.27251 of 2024

Pathar Nisha, W/o.Jeyalani Muhaideen

... Petitioner

Vs.

**1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.**

**2.The Deputy Superintendent of Police,
Tirunelveli Taluk,
Tirunelveli.**

**3.The Inspector of Police,
Gangaikondan Police Station,
Tirunelveli District.**

**4.Kattu Bava Sahib Pallivasal @
Peer Mohammed Sahib Pallivasal,
Rep. by its President,
N.Majeeth,
Having Office at Madurai to Tirunelveli Road,
Gangaikondan,
Tirunelveli District.**

... Respondents

**[R4 is impleaded vide order dated 29.11.2024,
made in W.M.P.(MD)No.23980 of 2024]**



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to grant permission and provide adequate police protection to celebrate Kanthoori festival at the Kattu Bava Sahib Pallivasal, which is situated at Gangaikondan Village, Tirunelveli Taluk, Tirunelveli District, from 29.11.2024 to 01.12.2024 and to consider petitioner's representation dated 17.10.2024.

For Petitioner : Mr.R.M.Suresh

For R1 to R3 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

For R4 : Ms.A.Ajimath Begum

ORDER

The petitioner seeks a direction to respondents 1 to 3 to grant permission and provide adequate Police protection to celebrate the Kanthoori festival at the Kattu Bava Sahib Pallivasal, situated in Gangaikondan Village, Tirunelveli District, from 29.11.2024 to 01.12.2024, in response to the petitioner's representation dated 17.10.2024.



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2. The learned Additional Public Prosecutor submitted that, upon the petitioner's representation, C.S.R.No.525 of 2024 was assigned. The petitioner was called for an enquiry, during which the counter petitioner, Mubarak group, objected to the festival being conducted by the petitioner. As there are two rival groups, the Police did not grant permission, fearing law and order issues.

3. The learned counsel for the petitioner submitted that the petitioner, being the Hereditary Mutawalli of the Kattu Bava Sahib Pallivasal @ Peer Mohammed Sahib Pallivasal by succession, is seeking permission to conduct the festival. The Waqf is registered with the District Collector of Tirunelveli under G.S.No.680/TNV. This Dargah has been in existence for over 300 years and was initially administered by Janab.Meera Lebbai in 1866. At that time, Rama Iyer, a non-Muslim, donated 3¾ Kani (approximately 4.95 acres) of land via a registered gift deed on 14.02.1866 (Document No.41/1866), registered with the Kayathar Sub-Registrar Office. Later, the Waqf was managed by the family of Hereditary Trustees, including the petitioner's grandfather, Janab.Mohammed Salihi Rowther, and later, the petitioner's father,



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Janab.Mohammed Iliyas, who managed the Waqf until his death on 18.08.1997. Following his death, the petitioner's mother, Janab.Syed Ali Fathima, administered the Waqf for 10 years, and after her passing, the petitioner's brother, Janab.Peer Mohammed, took over the administration of the Waqf. Now, the petitioner claims the role of Hereditary Mutawalli and seeks to celebrate the annual Kanthoori festival, which has been celebrated for the past 85 years. The festival involves hoisting a flag on a tree in front of the Dargah, providing food to the poor and needy, and includes an event called Lantern Night (Vilakku Iravu). The festival is scheduled to be held from 29.11.2024 to 01.12.2024, with food distribution on 30.11.2024 and the Lantern Night on 01.12.2024. The petitioner, thus, seeks permission to hold the festival.

4. The learned counsel for the newly impleaded fourth respondent, N.Majeeth, the President of Kattu Bava Sahib Pallivasal @ Peer Mohammed Sahib Pallivasal, opposed the petition. He submitted that the petitioner's representation to the respondent Police was misleading, and she falsely claims to be the Hereditary Mutawalli. The petitioner had filed W.P.(MD)No.19438 of 2024, seeking direction to the Tamil Nadu



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Waqf Board to appoint her as the Hereditary Mutawalli. However, the writ petition was disposed of on 14.08.2024, with the direction that the Waqf Board to consider the petitioner's representation, dated 28.03.2024, within four weeks. The Waqf Board, after conducting an enquiry, passed an order on 15.10.2024 (Na.Ka.No.10808/07/AA1/Tvnl), stating that the petitioner's claim for the Mutawalli position was unsustainable. The order clarified that the rule of succession for the office of Mutawalli was based on the nomination process outlined in the trust deed (Document Nos.240/1937 and 1235/1987), and thus, the petitioner's claim was dismissed. As per the Waqf Board's order, the management of the Waqf was handed over to a committee of 11 members, led by N.Majeeth, the fourth respondent herein. Therefore, the petitioner has no right to conduct the festival in her capacity as Hereditary Mutawalli. The petitioner can, however, participate in the festival along with the Mutawallis appointed by the Tamil Nadu Waqf Board. The fourth respondent has no objection to the festival, but he emphasized that it should be inclusive, and the petitioner should not claim any special status or advantage over the same.



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5. The learned Additional Public Prosecutor submitted that, in case of any dispute or rivalry, the festival can be conducted under Police supervision, with adequate security.

6. In light of the above submissions, this Writ Petition is disposed of. No costs.

29.11.2024

NCC : Yes / No
Index : Yes / No
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To

- 1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
- 2.The Deputy Superintendent of Police,
Tirunelveli Taluk,
Tirunelveli.
- 3.The Inspector of Police,
Gangaikondan Police Station,
Tirunelveli District.



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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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Order made in
W.P.(MD)No.27251 of 2024

Dated: 29.11.2024
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