



W.P.No.6700 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

CORAM:

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

W.P.No.6700 of 2025

Syed Fazlullah Khadri
S/o. Late Dr. Syed Sha Khaleelullah Khadri
Joint Hereditary Muthavalli
Hazarath Syed Sha Murthuza Pazha Khadri &
Asar-E-Shareef, Door No. 12/186, Big Street,
Triplicane, Chennai- 05.

..... Petitioner

Vs

1. The Deputy Commissioner of Police,
F-1 Police Station,
Chindadripet, Chennai- 600 002.

2. The Assistant Commissioner of Police,
D-1 Police Station,
Triplicane, Chennai- 600 005.

3. The Inspector of Police (Law & Order)
D-1 Police Station,
Triplicane, Chennai- 600 005.

4. The Tamil Nadu Wakf Board
Rep by its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakadhi Nagar,
Chennai- 600 001.

5. Syed Waliullah

..... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India



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praying for the issuance of a Writ of Mandamus, directing the 3rd respondent herein the Inspector of Police (Law & order), D-1 Police Station, Triplicane, Chennai- 600 005 to provide the police protection for Sandal, Urus (Kanduri) religious ceremony function to be held on 27th and 28th day of February, 2025 at Hazarath Syed Sha Murthuza Pazha Khadri & Asar -e- Shareef situated at Door No.12/186, Big Street, Triplicane, Chennai- 600 005 by considering the petitioner's representation dated 25.01.2025.

For Petitioner : Mr.L.Gavaskar
For R1 to R3 : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)
For R4 : Mr.R.Abdul Mubeen
For R5 : Mr.N.A.Nissar Ahmed
Senior Counsel
for Mr.I.Kowser Nissar

ORDER

This Writ Petition has been filed for a direction, directing the third respondent to provide adequate police protection for Sandal, Urus (Kanduri) religious ceremony function to be held on 27th and 28th of February 2025 at Hazarath Syed Sha Murthuza Pazha Khadri & Asar -e- Shareef situated at Door No.12/186, Big Street, Triplicane, Chennai- 600 005.

2. The petitioner's Wakf is registered under Tamil Nadu



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Wakf Board. The appointment of Muthavalli for the petitioner's Wakf

Dargah (hereinafter referred to as “Dargah”) is hereditary in nature.

While being so, the Tamil Nadu Wakf Board has recognized the petitioner as joint Hereditary Muthavalli for the Dargah by way of its Wakf Board Resolution dated 23.01.2024. Accordingly, the Chief Executive Officer, Tamil Nadu Wakf Board, viz., the fourth respondent herein, passed an order dated 16.02.2024, thereby recognized the petitioner as the Joint Hereditary Muthavalli for the Dargah viz., Hazarath Syed Sha Murthuza Pazha Khadri & Asar -e- Shareef situated at Door No.12/186, Big Street, Triplicane, Chennai- 600 005. Thereafter, the petitioner has been managing and carrying out day to day affairs of the Dargah.

3. Now, the Sandal & Urus (Kanduri) and other religious ceremonies for the Dargah are to be conducted on 27.02.2025 and the petitioner has submitted a representation before the third respondent seeking police protection, as the fifth respondent has challenged the petitioner's appointment as Muthavalli for the Dargah in O.A.No.12 of 2024 before the Wakf Tribunal, seeking a declaration that the resolution passed by the Tamil Nadu Wakf Board on 23.01.2024 and the



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consequential order passed by the fourth respondent on 16.02.2024 are null and void. The fifth respondent has also sought for an interim injunction. However, without any interim injunction, the matter is still pending with the Tamil Nadu Wakf Board, Chennai. Despite this, the fifth respondent has attempted to interfere with the administration and management of the petitioner as Muthavalli. The petitioner has also filed an application in O.A.No. 2 of 2025 in I.A.No.25 of 2025 before the Tamil Nadu Wakf Tribunal, seeking an injunction restraining the fifth respondent herein from disturbing the peaceful celebration of Sandal and Urus festival of the Dargah. It is also pending without any interim order.

4. The learned Senior Counsel for the petitioner would submit that the petitioner is the spiritual leader of the said Dargah and is responsible for the pasting of sandal and the distribution of food. Therefore, the rights of the fifth respondent cannot be prevented at any cost. The petitioner was appointed as Muthavalli and has been managing the Dargah. It would not amount that the petitioner alone can conduct Sandal and Urus or any religious spiritual functions for the Dargah.

5. A perusal of the records reveals that admittedly the petitioner was appointed as Muthavalli for the Dargah as per the resolution passed by the Tamil Nadu Wakf Board on 23.01.2024 and the



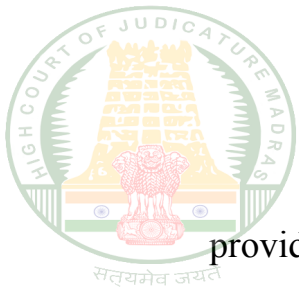
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consequential order passed by the fourth respondent on 16.02.2024.

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Though the appointment is under challenged by the fifth respondent in O.A.No.12 of 2024 before the Wakf Tribunal Chennai, it is pending without any interim order. That apart, the very same Sandal and Urus (Kanduri) function was held last year and the petitioner was granted permission for police protection. Accordingly, by an order dated 13.03.2024 in W.P.No.6333 of 2024, the petitioner had conducted the Sandal and Urus (Kanduri) festival on 10.03.2024 & 11.03.2024. The learned Senior Counsel submitted that it was an ex-parte order and no notice was issued to the fifth respondent. Therefore, the fifth respondent mentioned before this Court and the matter was listed under the caption for being mentioned. It was recorded that the festival had already been conducted and any observations made in the order would not stand in the way of the parties to agitate their rights before the competent forum. Now, the petitioner's appointment as Muthavalli is under challenge and it is pending without any interim order. The admissions made by the petitioner cannot be countenanced. The petitioner, being Muthavalli of the Dargah, has the right to conduct the festival for the Dargah.

6. In view of the above, the third respondent is directed to



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provide adequate police protection to the petitioner for conducting Sandal, Urus (Kanduri) religious ceremony function to be held on 27th and 28th day of February, 2025 at Hazarath Syed Sha Murthuza Pazha Khadri & Asar -e- Shareef situated at Door No.12/186, Big Street, Triplicane, Chennai- 600 005. It is also made clear that no one can prevent the fifth respondent from participating in the festival and performing worship.

7. With the above direction, this writ petition stands allowed. No costs.

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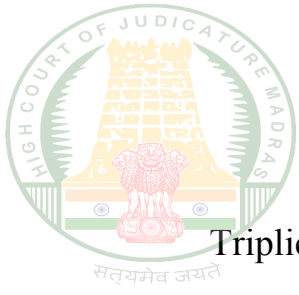
Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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Note : Issue order copy today i.e., on 26.02.2025

To

1.The Deputy Commissioner of Police,
F-1 Police Station,
Chindadripet, Chennai- 600 002.

2. The Assistant Commissioner of Police,
D-1 Police Station,



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Triplicane, Chennai- 600 005.

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3. The Inspector of Police (Law & Order)
D-1 Police Station,
Triplicane, Chennai- 600 005.

4. The Public Prosecutor,
High Court, Madras.

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G.K.ILANTHIRAIYAN.J

This matter is posted today before this Court under the caption 'For Being Mentioned' at the instance of the learned counsel appearing for the petitioner.

2. The learned counsel for the petitioner has brought to the notice



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of this Court that in the order dated 26.02.2025 in W.P.No.6700 of 2025,

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in Paragraph No.4, in the first line, it has been erroneously stated as “The learned counsel for the petitioner” instead of “The learned counsel for the fifth respondent”.

3. Accepting the submissions of the learned counsel for the petitioner, in Paragraph No.4, in the first line of the order dated 26.02.2025 in W.P.No.6700 of 2025, it shall be read as “The learned counsel for the fifth respondent”.

4. Registry is directed to carry out necessary corrections in the order dated 26.02.2025 in W.P.No.7302 of 2025 and issue fresh order copy.

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Index: Yes/No
Internet: Yes/No
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mn

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