



W.P.(MD) No.3782 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P(MD) No.3782 of 2025

Syed Karim Alisha

... Petitioner

vs.

1.The Superintendent of Police,
O/o.The Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Manoor Police Station,
Tirunelveli District.

3. Thirumeni

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first and second respondents to provide the adequate police protection for conducting the remembrance day of the petitioner's ancestor i.e., Alee rasool Syed Karim Shah Thangal @ Karim Shahib Lebbai and its Anndhanam going to held on 16.02.2025 at 10.00a.m. To 10.00p.m by considering the petitioner's representation dated 03.02.2025.

For petitioner : Mr.D.S.Haroon Rasheed

For Respondent Nos.1 & 2 : Mr.R.M.Anbunithi
Additional Public Prosecutor

For Respondent No.3 :Mr.S.Karithikeya Venkatachalapathy



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ORDER

This writ petition has been filed seeking direction, to direct the first and second respondents to provide adequate police protection for conducting the remembrance day of the petitioner's ancestor i.e., Alee Rasool Syed Karim Shah Thangal @ Karim Shahib Lebbai and its Anndhanam going to be held on 16.02.2025 at 10.00a.m. To 10.00p.m by considering the petitioner's representation dated 03.02.2025.

2. The learned Counsel appearing for the writ petitioner would submit that the petitioner is the Managing Committee of Alee Rasool Syed Karim Shah Thangal @ Karim Shahib Lebbai Dargah and his ancestor's burial place situated at S.No.84/B1B & 86 at Mavadi Village, Manoor Taluk, Tirunelveli District. While so, in order to observe remembrance day of his ancestor, he is taking steps to renovate the burial place. In the mean time, the third respondent and his henchmen created religious issue without any locus and they have entered into the property and caused disturbance. Therefore, on 03.02.2025, the petitioner sent a representation to the second respondent for seeking police protection and the same has not been considered. Hence, the present writ petition has been filed.



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WEB COPY 3. The learned Additional Public Prosecutor appearing for the Respondent Nos. 1 & 2 would submit that the representation of the petitioner has been considered and the permission sought for by the petitioner was declined by the police officials by stating the reasons that due to law and order problem and local people are objected for un-authorized construction in the said property and also there is a Hindu temple situated in the adjacent place. Already, Section 30(2) of Police Act is also in force. Therefore, he prays for dismissing the present Writ petition.

4. The learned Counsel appearing for the third respondent would submit that the petitioner had unlawfully constructed Mosque, without getting any permission from the authorities and he put up construction very near to the Hindu temple namely “Agnimadasamy Thirukovil” and thereby creating religious problem between two groups. Therefore, he strongly opposed to permit the petitioner to conduct remembrance day as well as Annadhanam in the place in which the un-authorized construction was took place.



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WEB COPY 5. This Court heard both sides and perused the records.

6. This Court already passed an order in W.P.No.1430 of 2024 dated 22.01.2024 and issue certain directions. This Court perused the said order and the relevant portion of the said order is extracted as follows:

"a) The functions/ Bhajans / Annadhanams that are conducted in private enclosures like mandapams, private temples and any other private place etc., does not require any permission from the police. It will be left open to the organizers to make arrangements for live streaming of the Pran Prathishta at Ayodhya.

b) Where, by conducting such functions, there is a possibility of spill over to the place which is accessed by the general public, the same has to be informed to the police in order to enable the police to take necessary measures to keep the situation under control and to ensure that no disturbance is caused to the free movement of the general public.

c) If such functions are planned to be conducted within temples, which are within the control of the HR & CE Department, the concerned official belonging to the Department must be informed about the same before hand, and the permission will be granted subject to reasonable conditions imposed by the Department, and



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d) Wherever, considering the local situation, the police is of the opinion that the area is sensitive, it will be left open to the police to impose such restrictions and to ensure that the function does not lead to any unnecessary law and order problem."

7. This Court without going into the merits of the construction made by the petitioner, considering the limited scope of prayer sought for in this writ petition in respect of conducting remembrance day as well as to provide Annadhanam and also take into consideration of the orders passed by this Court in W.P.No.1430 of 2024 dated 22.01.2024, this Court is inclined to pass the following orders:

a) The petitioner is permitted to conduct Annadhanam on **16.02.2025 from 10.00a.m. to 10.00p.m.**

b) The petitioner is also ensure not to create any law and order problem and no disturbance to the general public.

c) The second respondent is directed to give adequate police protection to the Annadhanam further ensure the safety of the public, who are all participating in the Annadhanam.

d) Both the parties have to maintain the law and order and if any deviations, the second respondent is at liberty to take legal action in accordance with law.



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WEB COPY 8. As far as the representation of the learned Counsel appearing for the third respondent is concerned, it is for the third respondent to take appropriate legal action with regard to the un-authorized construction in the manner known to law.

9. With the above observations, this Writ Petition is allowed. No costs.

13.02.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
gvn

Note:
Issue order copy on 13.02.2025



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To

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Tirunelveli District.

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P.DHANABAL,J

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