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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

CONT P(MD).No.1398 of 2023

Lawrence

... Petitioner

vs.

1.P.N.Sridhar,
District Collector,
Nagercoil,
Kanyakumari District.

2.H.R.Koushick,
Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.

3.Anitha Kumari,
Tahsildar,
Vilavancode,
Kanyakumari District.



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4.Esakkithurai,
Inspector of Police,
Karungal Police Station,
Kanyakumari District.

5.S.Mariya Arul Dhas

... Respondents

PRAYER: Contempt Petition filed under Section 11 of Contempt of Court Act, to punish the respondents herein for their willful disobedience of the order dated 20.04.2022 passed by this Court in W.P.(MD).No.16162 of 2020.

For Petitioner : M/s.J.Anandhavalli

For R-1 to R-4 : Mr.A.K.Manikkam,
Special Government Pleader

For R-5 : Mr.K.Muraleedharan

ORDER

This contempt petition is filed to punish the respondents herein for their willful disobedience of the order dated 20.04.2022 passed by this Court in W.P.(MD)No.16162 of 2020.



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2. The Writ Petition in W.P.(MD)No.16162 of 2020 was filed for writ of Certiorarified Mandamus, to quash the order, dated 13.10.2020, consequently, to direct the first respondent to grant permission to conduct prayer in the petitioner's premises. The petitioner is using loud speakers and the same was objected by the fifth respondent. The fifth respondent church was using loud speakers and the same was objected by the petitioner. Hence this Court vide order dated 20.04.2022 had restrained both the petitioner and the fifth respondents from using loud speakers. The petitioner alleges that the Church has violated the order passed by this Court and submitted that they are using loud speakers, hence the present contempt is filed.

3. When the contempt petition was taken up for hearing the Learned Counsel appearing for the petitioner submitted that the 5th respondent had removed the loud speakers, but after some days again reinstalled the same and as on date the 5th respondent is using the loud speakers and the same is against the order of this Court. Hence the official respondents were directed to inspect the premises and report the same before this Court.



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4. The official respondents had submitted a report that the loud speakers were removed and produced photos. But the petitioner had also produced photos wherein loud speakers were seen reinstalled. Hence the official respondents were directed to inspect the spot immediately and report through virtual hearing. The official respondents visited the spot and submitted that the loud speakers were removed, for which the petitioner submitted that the 5th respondent had removed now only. The petitioner had also produced a video and played the video, where the prayer could be heard. Unless a loud speaker is used the same cannot be heard. Hence it is evident that the 5th respondent was using loud speakers. The parties were also present before this Court and they throw allegations on each other, from which it was evident that the orders are not obeyed.

5. This Court is of the considered opinion that minute by minute watching the premises is not possible. The petitioner and the fifth respondent were using loud speakers for their prayers. Therefore, there is allegation and counter allegation by the petitioner and fifth respondent that both of them were using



WEB COPY

speakers which is affecting respective prayers. This Court vide order, dated 20.04.2022, directed both the parties not to use loud speakers. The petitioner and the fifth respondent are totally prohibited from using any kind of loud speakers from the date of this order.

6. It is seen that the petitioner and the 5th respondent are using mikes, consequently it is leading to use loud speakers. Therefore, the petitioner and 5th respondent are restrained from using mikes as well. If this order is violated, the prayer meeting conducted by the petitioner and the 5th respondent would not be heard by the Lord.

7. This Court hopes that the petitioner and the 5th respondent would understand the meaning of “silence” and the “silent prayer” as well and the wisdom would bestow on them to understand the true meaning of prayer.



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8. With these observations and directions, this Contempt Petition is closed.

There shall be no order as to costs.

Index : Yes / No

01.09.2023

Internet : Yes

NCC : Yes / No

Sml/Tmg

To

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