

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 14TH DAY OF SEPTEMBER 2015/23RD BHADRA, 1937

WP(C).No. 5549 of 2013 (P)

PETITIONER(S):

MUHAMMADALI, PRESIDENT,
AL MADRUSUTHUL BIDRIYYA MADRASSA,
REGD.NO.6765, P.O. MAYANNUR,
THRISSUR DISTRICT-679 105.

BY ADVS.SRI.THAMPAN THOMAS,
SRI.B.V.JOY SANKER,
SRI.SHAFFIE THOMAS,
SMT.JANCY ALEX,
SRI.SANEESH KUNJUKUNJU.

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
THIRUVANANTHAPURAM-695 001.
2. THE DISTRICT COLLECTOR,
COLLECTORATE, THRISSUR-680 001.
3. TAHSILDAR, THALAPPALLY,
VADAKKANCHERRY, THRISSUR DISTRICT- 680 582.
4. DEPUTY SUPERINTENDENT OF POLICE,
THRISSUR-680 001.
5. SECRETARY,
KONDAZHI GRAMA PANCHAYATH, P.O. KONDAZHY,
THRISSUR-673 571.
6. SREE POONATH BHAGAVATHY KSHETRA
SAMRAKSHANA SAMITHY, MAYANNOOR P.O.,
THRISSUR, PIN-679 105, REPRESENTED BY ITS SECRETARY.

R1 TO R4 BY GOVT. PLEADER SRI.MANOJ KUNJACHAN.
R5 BY ADVS. SRI.SANTHEEP ANKARATH,
SRI.ARUN MATHEW VADAKKAN.
R6 BY ADVS. SRI.K.B.ARUNKUMAR,
SRI.RANJIT BABU.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 14-09-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE LETTER ISSUED BY THE 5TH RESPONDENT TO
THE 2ND RESPONDENT DATED 20/12/2008.
- EXT.P2 COPY OF THE COMPLAINT SUBMITTED BY THE WRIT PETITIONER
IN WP(C).NO.9787/2009.
- EXT.P3 COPY OF THE INTERIM ORDER PASSED IN WP(C).NO.9787/2009
DATED 01/08/2009.
- EXT.P4 COPY OF THE LETTER DATED 06/03/2009 ISSUED BY THE
5TH RESPONDENT.
- EXT.P5 COPY OF THE JUDGMENT IN WP(C).NO.7041/2012 DATED 20/09/2012.
- EXT.P6 COPY OF THE ORDER DATED 20/12/2012 OF THE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P(C)No. 5549 of 2013

Dated this the 14th day of September, 2015

J U D G M E N T

The petitioner proposes to establish a mosque within Kondazhi Grama Panchayath. The petitioner approached the District Collector for permission in terms of the Government Order which mandates prior permission from the District Administration for establishing the mosque. The District Collector rejected the petitioner's application on account of threat to public order. It is found in the impugned order that there are differences of opinion between the different religious communities residing within the Panchayath against the establishment of place of worship by the petitioner.

2. The District Collector has taken a decision based on the factors which are decisive in considering such application. In the impugned order itself, the District Collector has stated that the petitioner is free to make fresh application if the matter is settled

amicably with the objectors.

3. The learned counsel submitted that objectors are not residents of the Panchayath and are outsiders. There is tranquility and peace now and there is no threat to communal peace and the issue related to public order.

4. This Court is of the view that if the petitioner approaches the District Collector, the District Collector shall find out whether there exists a public order. If there is no objection in establishing the mosque or any place of worship, the relief of the petitioner can be considered. The District Collector shall also verify as to whether objections are being raised by the persons residing outside the Panchayath and if the objectors are not within the radius of the Panchayath, the District Collector shall ignore the same. The District Collector shall strictly follow the Government Order in this regard. This writ petition is disposed of with the above observation. In the event of fresh application is filed by the petitioner, necessarily the

sixth respondent or any other affected parties shall also be heard.

This writ petition is disposed of as above.

sd/

A.MUHAMED MUSTAQUE,
Judge

MBS/