

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

WP(C).No. 5612 of 2015 (B)

PETITIONER:

**K.MADHAVAN PILLAI,S/O.KRISHNA PILLAI,
MOOZHICODE HOUSE, POTHENCODE P.O.,
THIRUVANANTHAPURAM - 695 584.**

**BY ADVS.SRI.V.G.ARUN
SRI.T.R.HARIKUMAR**

RESPONDENT(S):

- 1. THE VEMBAYAM GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, VETTINADU,
KONJIRA P.O., THIRUVANANTHAPURAM - 695 615.**
- 2. THE SUB INSPECTOR OF POLICE,
POTHENCODE POLICE STATION,
THIRUVANANTHAPURAM - 695 584.**
- 3. THE DISTRICT COLLECTOR,
COLLECTORATE, THIRUVANANTHAPURAM - 695 001.**
- 4. CHANDRA BABU, SIMION BHAVAN,
MANNATHIPPARA, PANNIMALA,
KOOTHALI P.O., THIRUVANANTHAPURAM - 695 505.**
- 5. SEBASTIAN @ RAJU,
MOOZHICODE PUTHEN VEEDU, POTHENCODE P.O.,
THIRUVANANTHAPURAM - 695 584.**

**R2 & R3 BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR
R4 & R5 BY ADV. SRI.R.GOPAN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 5612 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1: COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE
3RD RESPONDENT DATED 13/10/2009.**
- P2: COPY OF THE COMMUNICATION NO.A6-3440/09 DATED 30/9/2009 ISSUED BY
THE 1ST RESPONDENT TO THE 2ND RESPONDENT.**
- P3: COPY OF THE COMMUNICATION NO.A-4672/09 DATED 9/11/2009 ISSUED BY
THE 1ST RESPONDENT TO THE 2ND RESPONDENT.**
- P4: COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE
2ND RESPONDENT.**
- P5: COPY OF THE LETTER NO.A 6974/12 DATED 1/10/2012 ISSUED BY THE
1ST RESPONDENT TO THE 2ND RESPONDENT.**
- P6: A TRUE COPY OF THE JUDGMENT IN WPC NO.26054 OF 2012 DATED 3/7/2013.**
- P7: A TRUE COPY OF THE LAWYER NOTICE DATED 24/9/2014.**
- P8: A TRUE COPY OF THE PHOTOGRAPH OF THE TEMPORARY SHED
CONSTRUCTED BY RESPONDENTS 4 AND 5.**

RESPONDENT(S)' EXHIBITS: **NIL**

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 5612 of 2015

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Dated this the 2nd day of December, 2015

J U D G M E N T

The petitioner approached this Court for following reliefs:

- i) to issue a writ of mandamus or any other appropriate writ, order or direction, directing the 1st respondent to initiate action for preventing the conduct of mass prayers in the property of the 4th respondent;
- ii) to issue a writ of mandamus or any other appropriate writ, order or direction to the first respondent to take immediate action for demolishing the semi constructed prayer hall in the property of the 4th respondent;
- iii) to issue a writ of mandamus or any other appropriate writ, order or direction to the 2nd respondent to render assistance to the 1st respondent for demolishing the unauthorized prayer hall and prevent mass prayers in the property of the 4th respondent;
- and
- iv) to grant such other relief's as this Hon'ble Court may deem fit in the circumstances of this case.

2. The petitioner apprehends that the 4th respondent is attempting to construct the prayer hall and use it as a place of worship without permission from the District Collector in terms of relevant Government orders.

3. This Court is of the view that the 4th or 5th respondents shall not use any place of premises as a place of worship without

obtaining permission from the District Collector. If any application is filed by the respondents 4 and 5 for seeking permission, necessarily the District Collector shall also hear the petitioner before taking final decision.

Therefore this writ petition is disposed of restraining the respondents 4 and 5 from using the premises referred in the writ petition as a place of worship. If the 4th and 5th respondents violate above directions, the District Collector shall take appropriate action immediately on any complaint received from the petitioner.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE