

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

WP(C).No. 5869 of 2015 (G)

PETITIONER(S):

1. P.V.THOMAS, AGED 77 YEARS,
S/O.SRI.VARGHESE, RESIDING AT PULICKAL,
MADAPPALLY VILLAGE, KURUMBANADAM,
KOTTAYAM DISTRICT.
2. SATHBHAVANA, REGISTERED NO.475/11,
REPRESENTED BY ITS PRESIDENT,
SRI.K.R. VISWAMBHARAN NAIR, AGED 64 YEARS,
S/O.KRISHNAN NAIR, RESIDING AT AKSHARAM HOUSE,
UMBIDI PO, THOTTACKADU, KOTTAYAM - 686539.

**BY ADVS.SRI.SAJITH KUMAR V.
SRI.P.K.ANTONY
SMT.C.R.SMITHA**

RESPONDENT(S):

1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
DEPARTMENT FOR HOME,
GOVERNMENT OF KERALA,
THE GOVERNMENT SECRETARIAT,
TRIVANDRUM - 695 005.
2. THE DIRECTOR GENERAL OF POLICE,
POLICE HEAD QUARTERS, TRIVANDRUM-695 005.
3. THE DISTRICT POLICE CHIEF, KOTTAYAM - 686 001.
4. SUB INSPECTOR OF POLICE,
THRIKODITHANAM POLICE STATION, MADAPPALLY,
KOTTAYAM - 686 546.
5. THE MADAPPALLY GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY,
MADAPPALLY GRAMA PANCHAYATH,
MADAPPLY-686 546.

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**6. THE DISTRICT COLLECTOR,
CIVIL STATION, KOTTAYAM - 686001.**

**7. MR.K.C. JACOB,"WEM" KURUMBANADAM,
MADAPPALLY, KOTTAYAM - 686 546.**

**R1 TO R4 & R6 BY GOVERNMENT PLEADER SRI.MANOJ KUNJACHAN
R5 BY ADV. SRI.LAL GEORGE
R7 BY ADVS. SRI.MATHEW JOHN (K)
SRI.DOMSON J.VATTAKUZH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 18-09-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1:** A TRUE COPY OF THE GO (P) NO.217/05/HOME DATED 25.7.2005.
- EXHIBIT P2:** A TRUE COPY OF THE PETITION DATED 24.5.2013 SUBMITTED BEFORE THE 6TH RESPONDENT ALONG WITH THE ACKNOWLEDGMENT CARD.
- EXHIBIT P3:** A TRUE COPY OF THE PETITION DATED 24.5.2013 SUBMITTED BEFORE THE 3RD RESPONDENT ALONG WITH THE ACKNOWLEDGMENT CARD.
- EXHIBIT P4:** A TRUE COPY OF THE PETITION TO THE 1ST RESPONDENT ALONG WITH THE ACKNOWLEDGMENT CARD.
- EXHIBIT P5:** A TRUE COPY OF THE LR. NO. H 7-24633/2011 DATED 27.9.2013 ISSUED BY THE DISTRICT COLLECTOR TO THE DISTRICT POLICE CHIEF.
- EXHIBIT P6:** A TRUE COPY OF THE LR. NO. H 7-24633/2011 DATED 27.9.2013 ISSUED BY THE DISTRICT COLLECTOR TO THE DYSP AND TO THE TAHSILDAR, CHANGANACHERRY.
- EXHIBIT P7:** A TRUE COPY OF THE REPORT DATED 21.1.2014 OF THE DISTRICT POLICE CHIEF.
- EXHIBIT P8:** A TRUE COPY OF THE ORDER DATED 20.10.2014 IN HRMP NO.6255/2014 ISSUED BY THE STATE HUMAN RIGHTS COMMISSION, THIRUVANANTHAPURAM.
- EXHIBIT P9:** A TRUE COPY OF THE LETTER DATED 20.1.2015 ISSUED BY THE PRO, O/O THE DISTRICT COLLECTOR, KOTTAYAM TO THE 1ST PETITIONER.
- EXHIBIT P10:** A TRUE COPY OF THE LETTER DATED 09.1.2015 SUBMITTED BY THE 1ST PETITIONER TO STATION HOUSE OFFICER, THRIKKODITHANAM.
- EXHIBIT P11 :** A TRUE COPY OF THE REPLY DATED 19.1.2015 ISSUED BY THE SUB INSPECTOR OF POLICE, THRIKKODITHANAM.
- EXHIBIT P12:** NIL
- EXHIBIT P13:** THE CERTIFIED COPY OF THE SALE DEED NO.1186/2003 OF THENGANA SUB REGISTRY.

RESPONDENT(S)' EXHIBITS:

- EXT. R7(A) :** A TRUE COPY OF THE SKETCH.
- EXT. R7(B) :** A TRUE COPY OF THE LETTER DATED 20.5.2011 BY THE SECRETARY OF THE GRAMA PANCHAYATH.

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- EXT. R7(C) : A TRUE COPY OF THE PETITION BY K.C.JACOB TO THE SUB
INSPECTOR OF POLICE DATED 26.4.2011.**
- EXT. R7(D) : A TRUE COPY OF THE REPORT OF THE CIRCLE INSPECTOR OF
POLICE, CHANGANACHERRY DATED 9.1.2014 ADDRESSED TO THE
DISTRICT POLICE CHIEF, KOTTAYAM.**
- EXT. R7(E) : A TRUE COPY OF THE REPORT OF THE CIRCLE INSPECTOR OF
POLICE, CHANGANACHERRY DATED 29.9.2014 ADDRESSED TO THE
REGISTRAR OF HUMAN RIGHTS COMMISSION.**

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

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Dated this the 18th day of September,2015

J U D G M E N T

The petitioner has approached this Court alleging that 7th respondent is using the premises as place of worship without obtaining necessary permission from the District Collector, Kottayam.

2. According to the petitioner, the 7th respondent purchased the property in the year 2003 and it is only a residential building. Thereafter, a prayer hall was constructed in the year 2010 and now it is using illegally for service without any orders of the District Collector.

3. The 7th respondent on the other hand admits that he has purchased the house in the year 2003 and prayers are conducting in the building without using any sound system. It is further submitted that he is using the premises as a prayer hall. The 7th respondent also relied upon the report of the Police Inspector, Changanassery Ext.R7(d).

4. Essentially the question to be considered is as to

whether the 7th respondent is using the premises as a place of worship. If it is used as the place of worship in terms of relevant Government Order, necessarily the 7th respondent has to obtain necessary permission. However, if it is purely a private prayer hall, the 7th respondent need not obtain such permission.

5. This Court is of the view that the matter has to be probed into by the District Collector. If the District Collector finds that the building is being used by the 7th respondent as place of worship, necessarily appropriate action shall be taken to stop such activities. However if the District Collector is of the view that this is a private prayer hall, and there is no objection from other persons, the 7th respondent shall be permitted to use the same. If the 7th respondent makes an application seeking permission to use the premises as a prayer hall, the same shall be considered by the District Collector after hearing the petitioners and other affected parties in accordance with law. Needless shall

be done by the District Collector, as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this judgment after notice to the petitioners. In view of the above, Till a decision is taken by the District Collector in this matter, interim order passed by this Court dated 24.2.2015 will continue

The writ petition is disposed of as above.

Sd/

**A.MUHAMED MUSTAQUE,
JUDGE**

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