

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2015

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH

W.P.No.34248 of 2015
and M.P. No.1 of 2015

Blessing Church,
Established by Jesus Loves,
A Registered Religious and Charitable Trust,
rep. by its General Manager,
Manjambakkam Village,
Madhavaram, Chennai-600 051. ... Petitioner

Vs.

1. The Deputy Commissioner of Police,
Madhavaram, Chennai-600 051.
2. The Inspector of Police,
M2, Madhavaram Milk Colony Police Station,
Chennai-600 051.
3. The Revenue Divisional Officer,
Ambattur, Tiruvallur District. ... Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari mandamus calling for the records of the respondents, relating to the order of the second respondent in Ref. No.NIL dated 03.10.2015 and quash the same and directing the respondents and other police and Revenue Officers to permit the petitioner herein to conduct prayer meeting on 01.11.2015 between 9 a.m. and 12 noon and all other subsequent dates in S.No.107/1A of Manjampakkam Village, Madhavaram, Chennai-600 051 pursuant to the order of the third respondent in R.C. No.1690/2014/A1 dated 31.08.2015.

For Petitioner : Mr.Mr.Doraisami,
Senior counsel for
M/s.Muthumani Doraisami

For Respondents: Mr.V.Subbiah,
Special Government Pleader

O R D E R

The petitioner has come forward to file this writ petition, challenging the order passed by the second respondent dated 03.10.2015, stating that the permission sought for, to conduct the prayer meeting would be considered only after conclusion of the Peace Meeting Committee proposed to be held by the third respondent.

2.Heard the learned Senior counsel appearing on behalf of the petitioner as well as the learned Special Government Pleader for the respondents.

3.The learned Senior counsel appearing for the petitioner submitted that proposed meeting is to be held in the property of the petitioner. He further submitted that the right to prefers one's religion is fundamental in nature and what the petitioner proposed to do is neither illegal nor unlawful and therefore, it is not required for conducting the meeting, Peace Committee has to be convinced every time, especially when it was done very recently.

4.The learned Special Government Pleader on instructions would submit that in view of the law and order situation, the second respondent is unable to take decision without the intervention of the third respondent. He further submitted that already a comprehensive order was passed by the third respondent in Na.Ka.No.1690/2014/Aa1, dated 31.08.2015, wherein, while granting permission, five conditions have been imposed.

5.In so long as the petitioner does follow the conditions imposed, it cannot be asked to get permission only after conclusion of the Peace Committee meeting every time. Law and Order problem is for the second respondent to take care of. It is not in dispute that the petitioner seeks to conduct a prayer meeting in its own place.

6.The Writ Petition is disposed of accordingly, by directing the second respondent to give permission to the petitioner to conduct the prayer meeting at regular intervals it sought for, subject to the conditions that can be imposed by the second respondent, including the conditions imposed by the third respondent in his proceedings dated 31.08.2015. However, this order will not prevent the second respondent in refusing permission when there is serious law and order problem, leading

to impossibility of meeting being conducted without untoward incidents. Consequently, connected Miscellaneous Petition is also closed. No costs.

DP

s/d-
Assistant Registrar (CS-IV)

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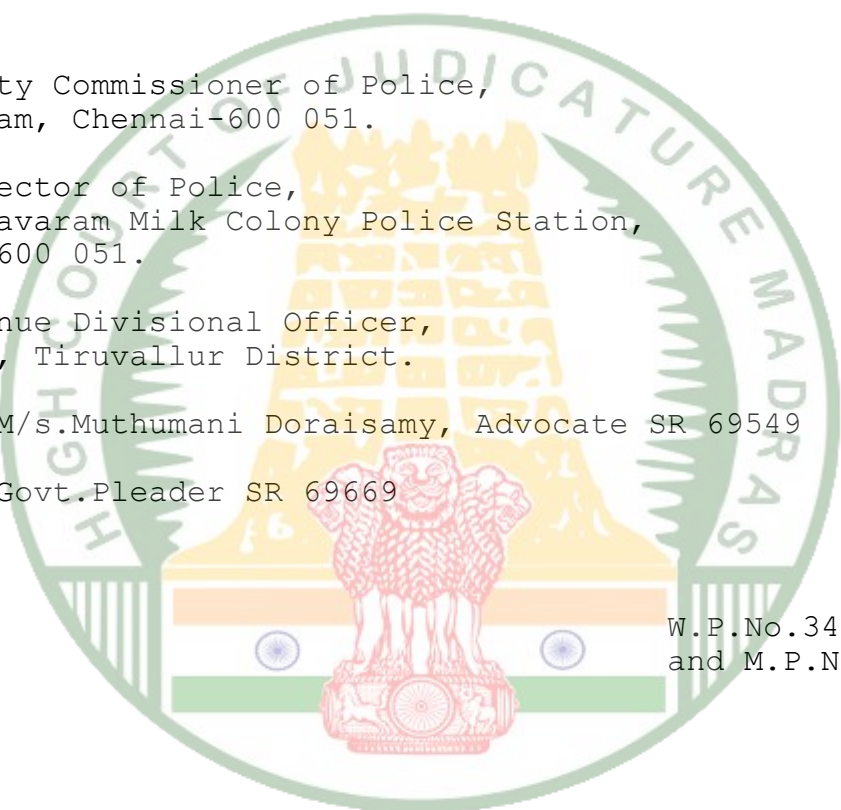
Sub-Assistant Registrar

To

- 1.The Deputy Commissioner of Police,
Madhavaram, Chennai-600 051.
 - 2.The Inspector of Police,
M2, Madhavaram Milk Colony Police Station,
Chennai-600 051.
 - 3.The Revenue Divisional Officer,
Ambattur, Tiruvallur District.
- + 1 cc to M/s.Muthumani Doraisamy, Advocate SR 69549
- + 1 cc to Govt.Pleader SR 69669

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