

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.15859 of 2015

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ORDER:

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The Writ Petition is filed under Article 226 of the Constitution of India, for the following relief:

“To issue an appropriate writ, order or direction more particularly a writ of Mandamus declaring the action of the respondents 2 and 3 in interfering with the religious activities of the petitioner society is wholly, illegal, arbitrary, unconstitutional and violative of Articles 14, 25 and 29 of the Constitution of India and consequently direct the respondent not to interfere with the lawful activities of the petitioner’s society.”

Heard Sri Pratap Narayan Sanghi, learned counsel for the petitioner and the learned Government Pleader for Home appearing for respondents 1 to 3, apart from perusing the material available on record.

According to the petitioner, petitioner herein approached the State Minorities Commission and a copy of the notice in Case No.48 of 2015 addressed to the Deputy Commissioner of Police, Central Zone, Hyderabad is placed on record by the learned counsel for the petitioner. In the said notice, the State Minorities Commission recommended that the petitioner be allowed to conduct their prayers within closed premises without any external loud speakers and without causing any disturbance to the neighbours and traffic. In the said notice in Case No.48 of 2015, the State Minorities Commission observed as follows:

“The Commission recommends that the petitioner be allowed to conduct their prayers within a closed premises on the said date and time without any external loud speakers and without causing any disturbance to the neighbours and traffic”.

The State Minorities Commission also directed the matter to be listed on

4.6.2015 at 10.00 a.m. In the affidavit filed in support of the Writ Petition, it is stated that the State Minorities Commission did not sit on 4.6.2015 in view of absence of a Member and the matter is adjourned and no further date is intimated.

With the consent of both the parties, this Court deems it appropriate to dispose of the Writ Petition itself at the stage of admission, in the following manner:

1. Since the State Minorities Commission had already made an interim arrangement by way of notice dated 30.5.2015 as mentioned supra, the same arrangement may be continued for the ensuing Sunday also i.e. on 7.6.2015.
2. The 4th respondent shall pass appropriate orders on the petition filed by the petitioner society within a period of one week from today.
3. However, this order will not preclude the Police from taking appropriate action against the petitioner society and its members in the event of any violation of law.
4. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 5.6.2015

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THE HON'BLE SRI JUSTICE A.V.SESHA SAI

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Between:

Calvary Ministries, rep. by Mr.Sridhar

S/o G.Shankaraiah, R/o Hyderabad.

... Petitioner

and

State of Telangana, rep. by its

Principal Secretary, Department of Home,

Secretariat, Saifabad, Hyderabad & others.

... Respondents