

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18/3/2016

C O R A M

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.10519 of 2016

M/s. Jesus Redeems Ministries
rep. By its Executive Trustee
J. Rathinaraj.

... Petitioner

Vs

1. The Commissioner of Police
Chennai City Police
Vepery
Chennai 600 007.
2. The Joint Commissioner of Police
South Zone
St. Thomas Mount
Chennai.
3. The Assistant Commissioner of Police
Saidapet Range
Chennai 600 015.
4. The Inspector of Police
J 1 Saidapet Police Station (L & O)
Chennai 600 015.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records connected with the impugned order dated 17/3/2016 passed by the fourth respondent and quash the same and consequently direct the respondents to permit the petitioner to conduct the proposed prayer meeting on Sunday the 20/3/2016 evening between 18.00 hours to 22.00 hours at YMCA College, Nandanam, Chennai 600 035.

For Petitioner ... Mr.Ravikumar Paul

For respondent ... Mr.P.Sanjay Gandhi
Additional Government Pleader

O R D E R

With the consent of the learned counsel appearing on either side, this writ petition is taken up for final disposal.

2. Heard Mr.Ravikumar Paul, learned counsel for the petitioner and Mr.P.Sanjay Gandhi, learned Additional Government Pleader for the respondents.

3. This writ petition has been filed, praying to quash the impugned order, dated 17/3/2016, passed by the fourth respondent and consequently direct the respondents, to permit the petitioner, to conduct the proposed prayer meeting, on 20/3/2016 evening between 18.00 hours to 22.00 hours, at YMCA College, Nandanam, Chennai 600 035.

4. The case of the petitioner is that the petitioner is the Executive Trustee of the registered Christian religious Trust, known as Jesus Redeems Ministries. The objects of the trust are "to proclaim the love of Jesus Christ through public meetings, healing ministries and expressions of love and concern to the poor and needy, regardless of caste, creed or community. The petitioner conducts prayer meetings and various religious and charitable activities right from 1986.

5. The petitioner had proposed to hold a religious Christian prayer meeting at YMCA College of Physical Education, Nandanam, Chennai 600 035, on Sunday, i.e., on 20th March 2016 for which necessary approval and arrangements have been finalised with YMCA College of Physical Education. Thereafter, the petitioner had approached the fourth respondent for necessary permission, vide letter, dated 3/3/2016.

6. The fourth respondent, in view of the forthcoming elections, while recommending the case had sought the approval of the Election Officer, Saidapet Constituency for the conduct of the said meeting. The Election authority, as per their letter No.Na.Ka.Thae.Na.Aa/Saidapet 01/2016, dated 14/3/2016 had confirmed that since the meeting was not related to politics, the same could be considered by the fourth respondent who is the competent authority for grant of approval.

7. But the fourth respondent had passed the impugned order, by refusing the permission, for the conduct of the proposed prayer at YMCA College of Physical Education on the following two grounds:-

(i). that there was some dispute between the Management of YMCA College of Physical Education and the students regarding the permission for use of the land to third parties resulting in an abnormal situation prevailing and

(ii). that the elections had been declared in the State.

8. Aggrieved against the order passed by the fourth respondent, the petitioner has come forward with this writ petition praying for the relief as stated therein.

9. The learned counsel appearing for the petitioner would submit that the proposed prayer meeting is scheduled to be held on 20/3/2016 which falls on Sunday and as such there could not be any inconvenience to the College. In fact, YMCA authorities themselves have no objection for the same and have accorded necessary permission. The learned counsel appearing for the petitioner would further submit that further, the Election Officer has given his consent and hence citing the on coming election as one of the grounds for rejection, cannot be a ground for rejecting the petitioner's request.

10. Considering the facts and circumstances of the case and upon hearing the learned counsel appearing on either side and also considering the fact that the Election authority, as per their letter dated 14/3/2016 had confirmed that since the meeting was not related to politics, the same could be considered by the fourth respondent, who is the competent authority for grant of approval, this Court is of the considered view that there cannot be any impediment for the fourth respondent in granting permission to conduct the proposed prayer meeting on 20/3/2016, between 18.00 to 22.00 hours at YMCA College, Nandanam, Chennai 600 035.

11. Accordingly, the fourth respondent is directed to grant permission to the petitioner, to conduct the proposed prayer meeting, on Sunday, i.e., on 20/3/2016 evening between 18.00 hours to 22.00 hours at YMCA College, Nandanam, Chennai 600 035, by imposing necessary conditions.

12. In view of the above, this writ petition is allowed and the impugned order passed by the fourth respondent is set aside. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

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+1cc to Mr.RaviKumar Paul, Advocate, S.R.No.17456
+1cc to the Government Pleader, S.R.No.17590

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W.P.No.10519 of 2016

cns(CO)
srg(18/03/2016)