

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.1490 and 2372 of 2016

and

WMP.Nos.1247 to 1250 of 2016 in WP.No.1490 of 2016

and

WMP.No.2057 of 2016 in WP.No.2372 of 2016

WP.No.1490 of 2016

R.Venkatesan

.... Petitioner

vs.

1.The District Collector,
Thiruvallur District, Thiruvallur.

2.The Revenue Divisional Officer,
Ambattur Revenue Division,
Ambattur, Chennai.

3.The Inspector of Police,
M-2 Madhavaram Milk Colony Police Station,
Madhavaram, Chennai.

4.Blessing Church
Established by JESUS LOVES
A registered Religious and Charitable Trust
(Registration No.23/1998)
rep. by its General Manager

... Respondents

WP.No.2372 of 2016

Blessing Church
Established by JESUS LOVES
A registered Religious and Charitable Trust
(Registration No.23/1998)
rep. by its General Manager

... 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 Disivional officer,
Ambattur, Tiruvallur District.

4.R.Venkatesan

... Respondents

Prayer in WP.No.1490/2016: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari to call for the records connecting to the impugned order passed by the second respondent herein in Na.Ka.No.1690/2014/A1 dated 31.08.2015 and quash the same.

Prayer in WP.No.2372/2016: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus to call for the records of the respondents, relating to the order of the second respondent in C.No..../Ins/M2/MM Colony.PS/2016 dated 09.01.2016 and quash the same and direct the respondents to permit the petitioner herein to conduct prayer meetings periodically in its patta land in S.No.107/1A of Manjampakkam Village, Madhavaram, Chennai -600 051 pursuant to the order of the third respondent in Na.Ka.No.1690/2014/A1 dated 31.08.2015.

WP.No.1490 of 2016

For Petitioner : Mr.G.Karthikeyan

For R1 to R3 : Mr.P.Sanjay Gandhi, AGP

For R4 : Mr.S.Doraisamy, SC
M/s.Muthumani Doraisamy

WP.No.2372 of 2016

For Petitioner : Mr.S.Doraisamy, SC
M/s.Muthumani Doraisamy

For R1 to R3 : Mr.P.Sanjay Gandhi, AGP

For R4 : Mr.G.Karthikeyan

COMMON ORDER

Challenging the order of the Revenue Divisional Officer, Ambattur, dated 31.08.2015, granting permission to the fourth respondent Church to conduct its prayer meeting, WP.No.1490 of 2016 came to be filed by the petitioner, who is the fourth respondent in WP.No.2372 of 2016. Thereafter, the Church/fourth respondent in WP.No.1490 of 2016 has filed WP.No.2372 of 2016 for a Certiorarified Mandamus to quash the order of the Inspector of Police, M2 Madhavaram Milk Colony Police Station, Chennai dated 09.01.2016, rejecting their request to grant permission to conduct further prayer meetings and consequently direct the respondents to permit them to conduct prayer meetings periodically in its patta land in S.No.107/1A of Manjampakkam Village, Madhavaram, Chennai - 600 051, pursuant to the order of the Revenue Divisional Officer, Ambattur in Na.Ka.No.1690/2014/A1 dated 31.08.2015.

2. The case of the petitioner in both the writ petitions in brief, is as follows:

2.1 There are 500 houses in Manjambakkam Village, Madhavaram Taluk, Tiruvallur District and all are Hindus except two families, who are Christians. Initially, there was no problem, but later on, the number of the Christians coming inside the village increased and they started issuing pamphlets at each Hindu house and are trying to convert the Hindus as Christians.

2.2 While so, the fourth respondent in W.P.No.1490/2016, who is the petitioner in W.P.No.2372 of 2016 (hereinafter called as 'Blessing Church') purchased a patta land in S.No.107/1A measuring 2.50 acres near to Arulmighu Ellaiyamman Temple for the purpose of construction of a Church as well as conducting prayers in the said land. Therefore, some of the representatives of the Manjambakkam Village approached the said Blessing Church and requested them not to build church, especially near the temple. Since the said request was not considered, the villagers gave a representation to the police as well as to the revenue authorities, to prevent them from constructing a church. Similarly, the Blessing Church made a request to the Inspector of Police, M2 Madhavaram Milk Colony Police Station to give police protection for conducting their prayer meetings.

2.3 Apprehending breach of peace, the Inspector of Police, M2 Madhavaram Milk Colony Police Station, Chennai, referred the matter to the Revenue Divisional Officer, Ambattur, who inturn, conducted a Peace Committee Meeting on 15.07.2015 at 3.00pm in the office of the Tahsildar, Madhavaram. The said meeting was held, in the presence of police as well as revenue

officials and also five representatives of each Hindu religion and Christian Religion. In the said meeting, it was decided that the prayer meeting scheduled to be held on 19.07.2015 should be postponed and after getting opinion from the District Collector, Tiruvallur and the Deputy Commissioner of Police, Madhavaram, Chennai, a decision would be taken for conducting the prayer meeting without any problem.

2.4 Thereafter, in the light of the decisions taken in the said meeting and also in consultation with the District Collector and police officials, the Revenue Divisional Officer, Ambattur passed an order in Na.Ka.No.1690/2014/A1 dated 31.08.2015, granting permission to the Blessing Church to conduct its prayer meetings, subject to certain conditions. Aggrieved over the same, one of the representatives of the Hindu Religion in the Peace Committee Meeting held on 15.07.2015, has filed WP.No.1490/2016.

2.5 In view of the order dated 31.08.2015, the Blessing Church submitted an application dated 01.10.2015 to the Inspector of Police, M2 MM Colony Police Station, Chennai, seeking permission to conduct the prayer meeting on 11.10.2015 between 9.00am and 12.00noon, to which, the Inspector of Police by a letter dated 03.10.2015, replied that he has requested the Revenue Divisional Officer to conduct a peace committee meeting and thereafter only, the application dated 01.10.2015 would be considered. Challenging the said communication, the Blessing Church filed a writ petition in WP.No.34248 of 2015, which was disposed of, by an order of this Court dated 22.12.2015, in the following terms:

"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."

2.6 Pursuant to the order of this Court dated 22.12.2015 made in WP.No.34248/2015, the Inspector of Police, M2 MM Colony Police Station, Chennai granted permission to the Blessing Church to conduct prayer meetings. Accordingly, the prayer meetings were held on 25.12.2015, 27.12.2015 and 03.01.2016 in the land belonging to the Blessing Church. Thereafter, the Inspector of Police, M2 MM Colony Police Station refused to grant permission to the Blessing Church for

conducting further prayer meetings, by a communication dated 09.01.2016. Challenging the same, the Blessing Church has filed WP.No.2372/2016.

3. A counter affidavit has been filed by the Inspector of Police, M2 Madhavaram Milk Colony Police Station, Chennai, inter alia stating as follows:

3.1 Pursuant to the order made in WP.No.34248 of 2015, the Blessing Church sought for permission to conduct prayer meeting on 25.12.2015 and all Sundays from 27.12.2015 onwards for two years by a letter dated 24.12.2015. Accordingly, permission was granted with certain conditions, vide order in R.C.No.64/M2/P.S/SAL/2015 dated 25.12.2015. On 25.12.2015, the Blessing Church has tried to conduct half an hour prayer meeting with 100 members. In the mean while, the members of Manjambakkam village gathered and objected to the said meeting. Hence, bandobust with the strength of 1 Deputy Commissioner of Police, 3 Assistant Commissioners of Police, 8 Inspectors of Police, 16 Sub Inspectors of Police, 70 other ranks were deputed for security purpose and the meeting went off without any untoward incident.

3.2 As the Blessing Church tried to gather around 2000 members, the same strength were drafted for bandobust on 27.12.2015. While the prayer meeting was conducted in the site belonging to Blessing Church, more than 100 Hindus led by the President of Hindu Munnani, Chennai North District protested and agitated against the said meeting. Hence, a case in M2 Madhavaram Milk Colony Police Station Crime No.1495/2015 was registered under sections 143 and 188 IPC. Further, on the same day, in order to prevent clash between both communal groups and to maintain peace and tranquility in that locality, another case was registered in Cr.No.1497 of 2015 under section 107 Cr.P.C against (i)Ananth (ii)Singaram (iii)Rajesh (iv)Kothandam (v)Kasinathan (vi)Karthikeyan of Manjambakkam Village and the same was taken up for investigation. Thus way, the tense situation was handled and the law and order was maintained intact.

3.3 The Blessing Church has organized another prayer meeting on 03.01.2016 with about 1500 members and huge strength was provided by the police department to prevent any untoward incident.

3.4 While so, it was ascertained that the Blessing Church has tried to conduct prayer meeting on 10.01.2016 with huge crowd nearly with 10,000 to 15,000 members and the local Hindus have planned together with huge strength with the help of Hindu Munnani to protest against the prayer meeting proposed to be conducted. As the situation became worst, a bandobust scheme was drafted with the strength of 2 Deputy Commissioners of

Police, 3 Assistant Commissioners of Police, 10 Inspectors, 21 Sub Inspectors, 114 other ranks, 10 AR Sections and 5 Videographers. In order to prevent the clash between the communal groups and maintain law and order, an order dated 09.01.2016 was passed, indicating the possibility of disturbance to law and order. When the order was served, the Blessing Church refused to receive it and hence, it was affixed in the front side of the entrance gate of Blessing Church. Despite the same, the Blessing Church with 750 members conducted a prayer meeting on 10.01.2016 at about 7.00am and the strength gradually increased at 11.00am. In this case, a case in Cr.No.23 of 2016 has been registered under Sections 143 and 188 IPC against (i) Ananth (ii) Jayaprakash (iii) Daniel Jayakumar and (iv) Karthick and others and the same was taken up for investigation.

3.5 It is the duty of the police to protect the right of the parties. Accordingly, protection was rendered to Blessing Church for conducting its meetings on 25.12.2015, 27.12.2015 and 03.01.2016. However, they have increased their strength every time, which created clash between two communal groups and tense situation. After taking strenuous efforts, the law and order was maintained on those three occasions. Therefore, in order to maintain public peace, tranquility and order in that locality, the Inspector of Police, M2 MM Colony Police Station, Chennai, passed the order dated 09.01.2016, rejecting the request of the Blessing Church to conduct further prayer meetings.

4. When the writ petitions came up for consideration on 10.02.2016, this Court passed the following order:

"The third respondent/Revenue Divisional Officer, Ambattur Revenue Division, Ambattur is directed to conduct one more peace committee meeting on any date within a period of three weeks from the date of receipt of a copy of this order, in regard to the conducting of prayer meetings by the petitioner/Blessing Church in the proposed area, by calling for the representatives of both the petitioners and take all possible earnest efforts for arriving at an amicable settlement to the issue. The Deputy Commissioner of Police of the concerned area and the revenue officials are also directed to be present in the said meeting.

List the matter on 02.03.2016 for filing the report by the third respondent."

5. Accordingly, the writ petitions came up for hearing on 02.03.2016. A report of the Revenue Divisional Officer, Ambattur Revenue Division, Ambattur was filed to the effect that pursuant to the order of this court, a Peace Committee Meeting was conducted on 27.02.2016 and the petitioner in WP.No.1490 of

2016 viz., R.Venkatesan along with Manogaran, Perumal, Selvakumar and Seetharaman attended the said meeting. Later, they walked out from the meeting, while the meeting was going on and therefore, no amicable settlement was arrived at. In view of the same, this Court passed the following order:

"The District Revenue Officer, Tiruvallur District is directed to conduct a Peace Committee Meeting, as stated in the earlier order dated 10.02.2016, within a period of one week from the date of receipt of a copy of this order.

List the matter on 10.03.2016 for filing the report by the District Revenue Officer, Tiruvallur District."

6. Today, when the writ petitions came up for hearing, learned senior counsel appearing for the petitioner in WP.No.2372/2016 / Blessing Church, filed an affidavit dated 10.03.2016 on behalf of the petitioner, stating that a fresh Peace Committee Meeting was conducted on 07.03.2016, in which, two objections were raised on behalf of the villagers viz. (i) large gathering ranging from 2000 to 5000 should not be brought from outside towns and other districts; and (ii) prior permission from District Collector will have to be obtained for conducting the prayer meetings; subject to the fulfillment of the above conditions, it was agreed that the prayer meetings could be conducted. In the said affidavit, the Blessing Church has also given an undertaking that more than 500 people would not be allowed for the prayer meetings in the patta land belonging to them. A copy of the proceedings of the Peace Committee Meeting conducted on 07.03.2016 is also produced for perusal of this Court.

7. In view of the undertaken given by the petitioner in WP.No.2372 of 2016 / Blessing Church, this Court is of the view that it would be appropriate to give a direction to the District Collector, Thiruvallur District. Accordingly, the District Collector, Thiruvallur District is directed to consider the representations of the petitioner in WP.No.2372/2016/Blessing Church dated 04.03.2014, 16.09.2014 and 21.01.2016, seeking permission to conduct prayer meetings in their patta land and pass appropriate orders, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. The affidavit of undertaking dated 10.03.2016 given by the petitioner in WP.No.2372 of 2016, shall form part of this order.

8. Accordingly, WP.No.2372 of 2016 is disposed of. Consequently, WP.No.1490 of 2016 is dismissed as infructuous. No costs. Connected Miscellaneous Petitions are also closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The District Collector,
Thiruvallur District, Thiruvallur.

2.The Revenue Divisional Officer,
Ambattur Revenue Division,
Ambattur, Chennai.

3.The Inspector of Police,
M-2 Madhavaram Milk Colony Police Station,
Madhavaram, Chennai.

4.The Deputy Commissioner of Police,
Madhavaram, Chennai 600 051.

+1 cc to M/s.Muthumani Doraisami Advocate sr.15816

+1 cc to M/s. G.Karthikeyan Advocate sr.16336

+1 cc to Government Pleader sr.16050

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