

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 13.11.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P.(MD)No.23410 of 2015andM.P(MD)No.2 of 2015

S.J.Fruitcin Praisor

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil 629 001.

2.The Superintendent of Police,
Kanyakumari District,
Nagercoil 629 001.

3.The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the 1st respondent in D.Dis.C3/40391/15 dated 19.11.2015 quash the same and consequently forbearing the respondents from interfering with the peaceful conduct of house prayer of the petitioner in S.No.280/17 and now RS.No.280/17A1 situated at Kannanur Village, Kannanur Desom, Viyanoor, Kalkulam Taluk, Marthandam, Kanyakumari District.

For Petitioner : Mr.R.Russel Raj
For Respondents : Mr.M.Alagathevan,
Special Government Pleader

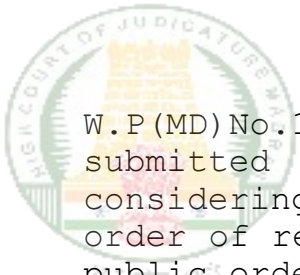
ORDER

The petitioner is before this Court, challenging the impugned order dated 19.11.2015, vide which, the authorities had negatived his request for conducting prayers and the petitioner has also sought a direction permitting him to conduct the prayer.

2. Heard both sides.

<https://hcservices.ecourts.gov.in/hcservices/>

3. Upon notice, the learned Special Government Pleader, on instructions, submitted that as per the direction of this Court in



W.P(MD)No.13644 of 2015 dated 16.09.2015, the petitioner has submitted a joint representation before the authorities and after considering all the facts and circumstances, the present impugned order of rejection came to be passed, in the interest of maintaining public order.

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4. A perusal of the typed set of papers would show that the authorities, touching all aspects, had passed a detailed order, which is impugned herein and the relevant portion of the same is extracted as under:

"....On analysing this case with W.P(MD)No.10782/2006 (Paul Thankom vs. The Secretary to Government, Home Department), it is revealed that this case is not an ordinary prayer conducted by a resident. The report of Revenue Divisional Officer, Padmanabhapuram reveals that outsiders are being participating in this prayer on the house which seems to be used as Prayer Hall. Hence, in order to maintain public order and peace, the prayer meeting conducted in D.No.16/25-A/16/25-1 of Kattathurai Town Panchayat, in R.S.No.280/17A1 of Kannanur Village in Kalkulam Taluk is banned in the interest of public order."

5. After some arguments, the learned Counsel for the petitioner confined his prayer and submitted that the petitioner shall be permitted to appear before the authority concerned with an undertaking affidavit to the effect that no prayer meeting, in general, permitting third parties as well as adjacent residents will be conducted and the petitioner as well as his family members alone will take part in the prayer.

6. Such being the case, this writ petition is disposed of, directing the first respondent to consider the claim of the petitioner, in the event of petitioner filing an undertaking affidavit, as stated above, and pass appropriate orders, on merits and in accordance with law. If the authorities decide to grant permission to the petitioner, it is open to them to impose such other conditions, so as to maintain public order and tranquility. No costs. Consequently, connected miscellaenous petition is closed.

Sd/-

Assistant Registrar(CRL. SIDE)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Kanyakumari District,
Nagercoil 629 001.

<https://hcservices.ecourts.gov.in/hcservices/>
2.The Superintendent of Police,
Kanyakumari District,
Nagercoil 629 001.



3.The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.

+1cc to M/s.R.RUSSEL RAJ Advocate in SR. No. 86988

GK

JS/KK/SAR.1/24.11.2017/3P-5C

W.P. (MD) No.23410 of 2015
13.11.2017