



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2017

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No. 23386 of 2017

and

W.M.P. (MD) .No.19655 of 2017

S.Selvin

... Petitioner

-Vs-

1.The District Collector,
Kanyakumari District,
At Nagercoil.

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

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

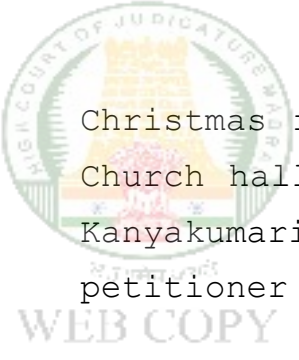
... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant permission to the petitioner to conduct Christmas festival celebration from 24.12.2017 to 01.01.2018 at ECI Church hall in Sy.No.42/4B of Painkulam Village, Vilavancode Taluk, Kanyakumari District by considering the representation of the petitioner dated 12.12.2017.

For Petitioner : Mr.S.C.Herold Singh
For Respondents : Mr.A.Muthukaruppan,
Additional Government Pleader.

O R D E R

The petitioner has come forward with this Writ Petition for
<https://hcservices.gov.in/cservices/> Writ of Mandamus seeking a direction to the
respondents to grant permission to the petitioner to conduct

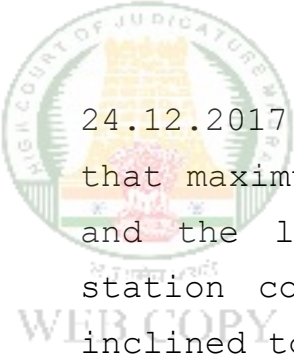


Christmas festival celebration from 24.12.2017 to 01.01.2018 at ECI Church hall in Sy.No.42/4B of Painkulam Village, Vilavancode Taluk, Kanyakumari District by considering the representation of the petitioner dated 12.12.2017.

2.The learned counsel for the petitioner submitted that by virtue of the sale deed dated 18.05.2016 in favour of the Evangelical Church of India, the Church was constructed and that it is functioning. After construction of church, the petitioner states that Christmas Festival was conducted in the same place from 24.12.2016 to 01.01.2017 on the basis of the order passed by this Court in W.P.(MD).No.24841 of 2016 dated 23.12.2016. It is to be noted that in the earlier writ petition some individuals raised objections to permit the petitioner to conduct Christmas Festival mainly on the ground that the Church itself is constructed in public place and that proper permission was not obtained by the petitioner for the Church building. It was further contended that the building was approved by the local authority only for the purpose of dwelling house and that it has been converted for the purpose of prayer meeting and other religious activities. This Court after considering the objections on the basis of undertaking given by the petitioner, granted permission to the petitioner to conduct the Christmas Festival by order dated 23.12.2016, at the premises in Painkulam Church, Kanyakumari District, from 06.00 p.m on 24.12.2016 to 10.00 a.m on 25.12.2016 subject to certain conditions.

3.The learned counsel for the petitioner submitted that the petitioner is prepared to give similar undertaking before this Court and this Court may grant permission in the same line, as it was granted for the previous year.

4.Considering the submission of the learned counsel for the petitioner that the petitioner will file an affidavit of undertaking to the effect that no loud speaker will be installed either inside or outside and the entire function will be from 6.00 p.m on



24.12.2017 to 10.00 a.m on 25.12.2017 and he would also undertake that maximum number of persons attending the function would only 50 and the list of members will also be circulated to the police station concerned for verification and monitoring, this Court is inclined to pass following direction:

The third respondent/The Inspector of Police, Puthukadai Police Station, Kanyakumari District, is directed to consider the representation of the petitioner, dated 12.12.2017 and to give permission and to provide police protection for conducting Christmas festival celebration from 6.00 p.m on 24.12.2017 to 10.00 a.m on 25.12.2017 at ECI Church hall in Sy.No.42/4B of Painkulam Village, Vilavancode Taluk, Kanyakumari District, subject to the following conditions;

(i) the petitioner and other religious people owing allegiance to christianity of panikulam village shall conduct the christmas function at the premises in R.S.No.42/4B, Painkulam Village, Kanyakumari District from 06.00 p.m on 24.12.2017 to 10.00 a.m, on 25.12.2017.

(ii) the total number of persons to attend and participate in the said christmas function shall not be beyond 50.

(iii) during the entire function there shall be no loud speaker either inside the premises or outside the premises.

(iv) there shall not be any procession or any religious or worship activities outside the premises.

(v) the petitioner shall give a list of members to a maximum number of 50, who would participate and attend the



said function to the concerned police station on or before 2.00 p.m on 24.12.2017.

(vi) the concerned police shall be at liberty to take action if any such violation is noticed with the result any likelihood of endanger to communal harmony in that locality.

(vii) it is made clear that this order shall not stand in the way in deciding the issue as to whether the said building can be permitted for the purpose of religious function and worship by the authority under the Tamil Nadu Panchayat Building Rules, 1997 and in this regard such authority can take any action against the owner of the building in the manner known to law. But such action if any on the part of the authorities can be taken only after the completion of the christmas function as indicated above.

5.The learned counsel appearing for the petitioner submitted that the permission sought for before the second respondent for conducting New Year celebrations may also be directed to be considered. Considering the said submission, the second respondent is directed to consider the petitioner's representation and dispose of the same on merits and in accordance with law in the light of the order passed by this Court in this Writ Petition and the writ petition filed by the petitioner for the previous year.

6. With the above directions, the Writ petition is disposed of. No costs. Consequently, the W.M.P.(MD).No.19655 of 2017 is closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar



To

1.The District Collector,
Kanyakumari District,
At Nagercoil.

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

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

+1cc to M/S.S.C.Herold Singh, Advocate SR.No.93704.

W.P. (MD) No. 23386 of 2017
and
W.M.P. (MD) .No.19655 of 2017
19.12.2017

vsg/lis
SDS/SV:MMS/SAR 1/22.12.2017/5P/5C