



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2018

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WEB COPY

THE HONOURABLE MR. JUSTICE P. RAJAMANICKAMCr1.O.P.(MD) No.3039 of 2018

S.Soundarapandian

... Petitioner

-Vs-

1.The Superintendent of Police,
Tirunelveli District.2.The Inspector of Police,
V.K.Pudur Police Station,
Tirunelveli.

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the second respondent not to harass the petitioner under the guise of enquiry from conducting prayers in his house situated in S.No.42/9 in Rajagopalaperi Village, Tenkasi Taluk, Tirunelveli District.

For Petitioner : Mr.K.Samidurai

For Respondents : Mr.Prabu Ramachandran
Government Advocate**ORDER**

This petition has been filed to direct the second respondent not to harass the petitioner under the guise of enquiry from conducting prayer in his house situated in S.No.42/9 in Rajagopalaperi Village, Thenkasi Taluk, Tirunelveli District.

2.The learned counsel for the petitioner has submitted that the petitioner is the owner of the house situated in S.No.42/9 in Rajagopalaperi Village, Thenkasi Taluk and he used to have prayer in his house. But, the second respondent is preventing the petitioner from conducting prayers in his house. He has further submitted that this Court in W.P.(MD).No.10782 of 2006 dated 14.08.2012 has clearly held that there is no need to get prior permission from any authority for assembling and conducting prayers in a dwelling house. He further submitted that in Cr1.O.P(MD).No.15462 of 2011, this Court has directed the police not to interfere with the civil rights of the petitioner and harass the petitioner.

3.The learned Government Advocate has submitted that based on the complaint given by one Paulraj, a case has been registered in



Cr.No.36 of 2018 under Section 153A and 505(1)(c) IPC against one Sakthivel Murugan @ Samuvel Raj and two others. But, no complaint has been received against the petitioner. He further submitted that the petitioner was not subjected to any harassment.

4. This Court in W.P(MD).No.10782 of 2006 has held that there is no need to get prior permission from any authority for conducting prayers in a dwelling house. Further it was observed that if there is any nuisance caused due to noise pollution or for any other bona fide reasons, it is always open to the authorities to take necessary action under the provisions of the relevant Statutes. In CrI.O.P.No.15462 of 2011, this Court has observed that the respondent police shall not interfere with the civil rights of the petitioner and also shall not harass the petitioner under the guise of enquiry.

4. In this case, there is no dispute that the house situated in S.No.42/9 in Rajagopalaperi Village, belongs to the petitioner herein and that being so, the respondent police should not interfere with the prayer being conducted in his dwelling house and also should not harass him under the guise of enquiry.

5. With the aforesaid observation, the criminal original petition is disposed of.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tirunelveli District.

2. The Inspector of Police,
V.K.Pudur Police Station,
Tirunelveli.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO M/S.SAMIDURAI, ADVOCATE, SR NO.54164

CrI.O.P.(MD) No.3039 of 2018
09.03.2018

rmk

MS/SKN-RSK/SAR-1/22.03.2018/2P.5C