



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2018

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

W.P. (MD) No. 18365 of 2018

and

W.M.P (MD) No. 16247 of 2018

M. Noor Abdul Rahman

... Petitioner

-vs-

1. The Commissioner of Police,
Madurai City, Madurai.

2. The Assistant Commissioner of Police,
Madurai City, Madurai.

3. The Inspector of Police,
E1 Police Station,
K. Pudur, Madurai-7

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 2 and 3 in any way interfering with the right of the petitioner and his neighbors rights from offering prayer at his residence in Door No.123, East Main Street, T.M. Nagar, Uthangudi, Madurai, by considering petitioner representation dated 01.08.2018 within the period that may be stipulated by this Court.

For Petitioner : Mr. C. R. Kasiviswanathan
for M/s. Ajmal Associates

For Respondents : M/S. B. Bhagawathi
Government Advocate

ORDER

This Writ Petition has been filed to forbear the respondents from in anyway interfere with the right of the petitioner and his neighbors from offering prayers at his residence.

2. The case of the petitioner is that the petitioner and his neighbors belong to the Muslim Community. As per the practice of the said community, they have to offer prayers five times a day which is considered to be one of the prime duties of every Muslim, provided in the Holy Quran. It is the case of the petitioner that there is no Masjid in the said locality and therefore till a Masjid is constructed after getting necessary permission, the prayers are sought to be conducted in the residence of the



3.The learned counsel for the petitioner would submit that the respondent police instructed the petitioner and his neighbors not to conduct the prayer at the residence of the petitioner on 21.07.2018.

4.Aggrrieved by the same, the present writ petition has been filed before this Court.

5.The learned Government Advocate would submit that if the prayers are conducted within the residence of the petitioner without causing hindrance to the general public and without using any speaker or sound system, the police will not have any objection in permitting such prayers.

6. However, if the petitioner in the name of prayer, tries to spoil the peace and harmony in the place, then certainly the police will have to interfere and restore normalcy.

7.The learned counsel for the petitioner brought to the notice of this court that the constitution provides for a fundamental right and mandates that all persons are equally entitled to freedom of conscience and their right to freely profess practice and propagate religion and therefore, the petitioner and his brethren belonging to the muslim community, are also having such fundamental right and the same cannot be interfered by the respondent police.

8.The specific case of the petitioner is that the prayer is going to be conducted at his residence and the same is going to be attended by the petitioner and his neighbors belonging to the same community. Further case of the petitioner is that these prayers are not going to cause any nuisance or hindrance to the others living in the locality and no loud speaker or sound system is going to be used for conducting the said prayers.

9. Under such circumstances, this Court does not find any reason as to why the petitioner should not be permitted to conduct such prayers in his own residence.

10. This writ petition is disposed of with the direction to the third respondent not to interfere with the right of the petitioner and the neighbors belonging to his community from offering prayer at the residence of the petitioner situated at Door No.123, East Main Street, T.M.Nagar, Uthangudi, Madurai.

11. The petitioner shall ensure that this prayer does not in any way cause any hindrance to the general public and does not in any way give rise to any law and order problem. If any law and order problem is created, then certainly, the third respondent is at liberty to take appropriate action.



12. This writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Commissioner of Police,
Madurai City, Madurai.
2. The Assistant Commissioner of Police,
Madurai City, Madurai.
3. The Inspector of Police,
E1 Police Station,
K.Pudur, Madurai-7.

+1cc to M/s.Ajmal Associates, SR.No.80076

+1cc to SPECIAL GOVERNMENT PLEADER, SR.No.80274

Das

MK/RP/SAR 2/07.09.2018/3P/6C

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and

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