



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.18955 of 2018

and

WMP (MD) No.16779 of 2018

John Varghese

...Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Anti Land Grabbing Cell,
Kanyakumari District,
I/C, Colachel Sub Division,
Kanyakumari District.

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

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus forbearing the 2nd and 3rd respondents and their subordinates from disturbing the prayer meetings of the petitioner being held in Door No.2/14B, Pandaravilai, Vaniyakudi Post, Kanyakumari District.

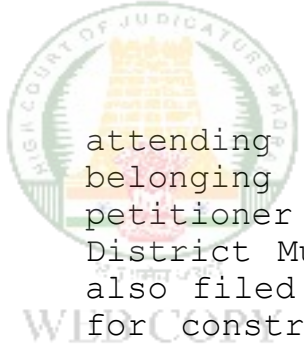
For Petitioner : Mr.C.T.Perumal

For Respondents: Mr.S.Dhayalan,
Government Advocate

O R D E R

This Writ Petition has been filed to forbear the second and third respondents from in anyway interfering with the prayer meeting held by the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/> 2. The case of the petitioner is that the petitioner belongs to the community of Christianity and conducts prayer meeting in his residence and the people from his area are



attending the same on their own wish. Since some individuals belonging to other religion disturbed the prayer meeting, the petitioner filed a suit in OS.No.71 of 2017 before the Principal District Munsif, Eraniel and the same is pending. The petitioner also filed a petition in WP(MD)No.2004 of 2018 before this Court, for constructing a Church and the same of disposed of with a direction to the District Collector, Kanyakumari to consider the petitioner's request and the same is now pending before the District Collector. It if the further case of the petitioner that the second and third respondents is interfering with the prayer meetings of the petitioner.

3.The learned counsel for the petitioner would submit that the first respondent instructed the petitioner and his neighbors not to conduct the prayer at the residence of the petitioner on 07.07.2018 vide proceedings C.No.467/SDOC/2018.

4.Aggrieved 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 Christian 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.2/14B, Pandaravilai, Vaniyakudi Post, Kanyakumari District.

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 respondent police 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.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS-II)

To

- 1.The Superintendent of Police,
Kanyakumari District,
Nagercoil.
- 2.The Deputy Superintendent of Police,
Anti Land Grabbing Cell,
Kanyakumari District,
I/C, Colachel Sub Division,
Kanyakumari District.
- 3.The Inspector of Police,
Colachel Police Station,
Kanyakumari District.

+1 CC To MR.C.T.PERUMAL, Advocate SR. NO. 81557
+1 CC TO The Special Government Pleader SR.NO. 81755

W.P. (MD) .No.18955 of 2018

31.08.2018

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