

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2019

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P. 39638 of 2005
and
W.P.M.P. 42489 of 2005

Sundar Raj

... Petitioner

Versus

1. The Director General of Police,
Kamarajar Salai,
Chennai.
2. The Superintendent of Police,
Kanyakumari District
at Nagercoil.
3. The District Collector,
Kanyakumari District
at Nagercoil.
4. The Inspector of Police,
Thuckalay & Post,
Kanyakumari District.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the respondents 1 to 4 from in any manner disturbing or obstructing the functioning of the Church viz., 'Athi Apposthalar Church' at Door No.27-97-E, of Mulagunoodu Panchayat at Putuhukaduvetti Village Vilai Kozhipore Vilai in Kanyakumari District.

For Petitioner : Mr.C.Robert Bruce

For Respondents : Mr.I.Sathish,
Addl. Govt. Pleader

O R D E R

This Writ Petition has been filed seeking a direction forbearing the respondents 1 to 4 from any manner disturbing or obstructing the functioning of the Church viz., "Athi

Apposthalar Church" at Door No.27-97-E, of Mulagumoodu Panchayat at Puthukaduvetti Village, Vilai Kozhipore Vilai in Kanyakumari District.

2. The grievance of the petitioner is that, he has studied Philosophy in Religion, and started a Church in his house in the name of 'Athi Appostalan Church'. Several believers attending his church for prayer. Later, few Hindus objected and disturbed his Church, the third party has also raised objections for constructing a church, and a criminal case was registered against the petitioner for an offence under Sec.153 (A)(1) (a) of I.P.C. In the above circumstances, the Writ Petition has been filed seeking a direction to the respondents from any manner disturbing or obstructing the peaceful functioning of the above church.

3. The 2nd respondent has filed a counter affidavit stating that based on a complaint given by one Subbaiyan, the President of Hindu Munnani, the 4th respondent conducted an enquiry. In the enquiry, the petitioner has admitted that he is conducting prayer meetings in his house as a Pentecost Church, sick people were coming to his house, and getting cured of their illness on his prayer. The Petitioner has further admitted that the petitioner did not obtain any permission from any authority for the same. In order to avoid law and order problem, a criminal case was also registered against the petitioner in Crime No.950/2005 under Sec. 153 A (1)(a) I.P.C., and the petitioner was also arrested. Admittedly, the petitioner is running the church without obtaining any necessary permission as per law.

4. I have heard the submissions made by learned counsel appearing for the petitioner as well as learned counsel appearing for the respondents and perused the records carefully.

5. It is an admitted case that the petitioner has converted his house as a church in the name of 'Athi Appostalan Church', and conducting prayer meetings therein, and a criminal case was also registered against the petitioner. If the petitioner wants to convert his house as Church, and to conduct prayer meetings therein, he has to get necessary permission from the District Collector and other authorities. But, the petitioner without getting any permission from the concerned authorities, conducting the prayer meetings, which is not permissible in law. In the above circumstances, the prayer sought for by the petitioner cannot be granted. Hence, the Writ Petition is liable to be dismissed. However, it is always open to the petitioner to get necessary permission from the authorities concerned and conduct prayer meeting in his house.

6. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected Writ Petition Miscellaneous Petition is closed.

-s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

rpp

To

1. The Director General of Police,
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Chennai.

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at Nagercoil.

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+1 CC to Mr.C.Robert Bruce, Advocate sr 84994

+1 CC to Govt. Pleader sr 85624.



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PM(CO)
SP(18/11/2019)