



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2019

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.14119 of 2019

Pr.C.Raghavan
Bethel Revival Church of Christ,
No.15-144 A, Perumtharai Vilai,
Pacode Post-629 168,
Kanyakumari District.

... Petitioner

-Vs-

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Superintendent of Police,
Kanyakumari District,
Nagercoil.
- 3.The Revenue Divisional Officer,
Padmanabapuram Division,
Thuckalai, Kanyakumari District.
- 4.The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
- 5.The Executive Officer,
Pacode Town Panchyat,
Pacode Post PIN 629 168,
Kanyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to consider the petitioner's representation dated 16.05.2019 for giving recognition to the petitioner's Christian prayer activity in the name of Bethel Revival Church @ Bethel Puthu Valvu Christhuvin Sabai, No.15-144A, Perumtharai Vilai, Pacode Post 629 168, Kanyakumari District.

For Petitioner : Mr.M.Punitha Deva Kumar
<https://hcservices.ecourts.gov.in/hcservices/>

For Respondents : Mr.P.Kannithevan (for R1 & R4)



Additional Government Pleader
Mr.K.Muthu (for R5)
Standing Counsel

ORDER

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The prayer in this writ petition is for a Writ of Mandamus, to direct the first respondent to consider the petitioner's representation, dated 16.05.2019, for giving recognition to the petitioner's Christian prayer activity in the name of 'Bethel Revival Church @ Bethel Puthu Valvu Christhuvin Sabai', No.15-144A, Perumtharai Vilai, Pacode Post 629 168, Kanyakumari District.

2.Heard Mr.M.Punitha Deva Kumar, learned counsel appearing for the petitioner, Mr.P.Kannithevan, learned Additional Government Pleader appearing for the respondents 1 to 4 and Mr.K.Muthu, learned Standing Counsel appearing for the fifth respondent.

3.The petitioner, in order to get permission from the respondent, especially, from the first respondent/District Collector to have religious prayer meeting at the prayer hall situated in No.15-144A, Perumtharai Vilai, Pacode Post 629 168, Kanyakumari District, has made a representation on 16.05.2019 to the respondent, especially, to the first respondent and the same has not been considered. Hence, the writ petitioner is before this Court.

4.I have heard, Mr.P.Kannithevan, learned Additional Government Pleader appearing for the respondents 1 to 4, who would submit that, for the past more than 20 years, the practice being adopted in the District of Kanyakumari that, for permitting the religious prayer meeting, certain guidelines had been issued. Based on which, the permission sought for to have the prayer meeting within 200 metres from the location of the temple or School can not be granted. Such kind of permission normally would not be given, in this case, since there would be law and order problem and that is why, the prayer sought for cannot be considered.

5.Be that as it may, since the petitioner has made a request by way of representation dated 16.05.2019, the same has to be decided on merits by the District Collector i.e., the first respondent herein and if the District Collector decides either way, such decision can be communicated to the petitioner.

6.In that view of the matter, this writ petition is disposed of with the following directions:-

"that the first respondent is directed to consider the representation of the petitioner, dated 16.05.2019 and decide the same on merits and in accordance with law, after hearing the petitioner as well as the rival claimants, if any, and also hearing the revenue, police official concerned in that locality with regard to the law and order issue and accordingly, take a decision and pass



orders thereon, within a period of six weeks from the date of receipt of a copy of this order."

No costs.

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Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

rmk

To

1. The District Collector,
Kanyakumari District,
Nagercoil.
2. The Superintendent of Police,
Kanyakumari District,
Nagercoil.
3. The Revenue Divisional Officer,
Padmanabapuram Division,
Thuckalai, Kanyakumari District.
4. The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.

+1 CC to M/s.M.PUNITHA DEVAKUMAR, Advocate (SR-75786[F] dated 17/07/2019)

+1 CC to M/s.SPL GP (SR-75993[F] dated 18/07/2019)

KK/SAR/03.09.2019/3P-7C/

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