



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.09.2019
CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

WEB COPY

W.P.(MD).No.23705 of 2018
and
W.M.P(MD)No.21477 of 2018

Sasikumar

... Petitioner

Vs.

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

2.The Inspector of Police,
Nithiraivilai Police Station,
Kanyakumari District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, seeking a Writ of Mandamus, forbearing the respondents and their subordinates from disturbing the prayer meeting of the petitioner being held at the house of the petitioner bearing door No.8-138 C, Aarudesam Village, Kanyakumari District by considering the representation of the petitioner dated 17.10.2018.

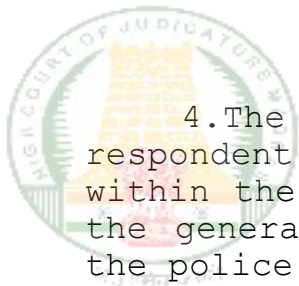
For Petitioner : Mr.S.C.Herold Singh
For Respondents : Mr.R.Anandharaj
Additional Public Prosecutor

ORDER

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

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. It is the further case of the petitioner that the respondent police is interfering with the prayer meetings of the petitioner.

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. Aggrieved by the same, the present writ petition has been filed by the petitioner.



4.The learned Additional Public Prosecutor appearing for the respondent police 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.

5.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.

6.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.

7.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 the 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 not loud speaker or sound system is going to be used for conducting the said prayers.

8.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.

9.This writ petition is disposed of with the direction to the second 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.

10.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.

11.The writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/TRUE COPY/



To

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

2.The Inspector of Police,
Nithiraivilai Police Station,
Kanyakumari District.

COPY TO:

The Government Advocate (Crl.Side),
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-88469[F] dated
23/09/2019)

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and
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19.09.2019

das

JM/10.10.2019/3P/5C