



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2019

CORAM

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

W.P. (MD) No.23379 of 2019

and

W.M.P (MD) No.20036 of 2019

WEB COPY

J.Ambrose Rajappan

... Petitioner

-Vs-

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

2. The Deputy Superintendent of Police
Thuckalay, Nagercoil
Kanyakumari District

3. The Inspector of Police
Kulasekharam Police Station
Kanyakumari District

... Respondents

Prayer: Writ petition filed under Article 226 Constitution of India for issuance of Writ of Mandamus , directing the respondents, not to interfere with the prayers conducted in the house of the petitioner situated R.S.no.176/18 vilavoorkonam, Thumbacode village, Kulasekharam, Nagercoil, Kanyakumari District and consequently direct the respondents not to insist upon me to get permission for the conduct of prayers in my house or harass me the petitioner under the guise of enquiry in the light of the orders passed in Crl.O.P (MD) No.3039/2018, WP(MD) No.710/2019 and WP(MD) No. 2149/2018.

For Petitioner : Mr.F.Deepak

For Respondents : Mr.R.Anandharaj
Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondents, not to interfere with the prayers conducted in the house of the petitioner situated R.S.No.176/18 Vilavoorkonam, Thumbacode village, Kulasekharam, Nagercoil, Kanyakumari District and consequently direct the respondents not to insist upon me to get permission for the conduct of prayers in my house or harass me the petitioner under the guise of enquiry .



2.The learned counsel for the petitioner has submitted that the petitioner is the owner of the house situated in R.S.No.176/18, Vilavoorkonam, Thumbacode Village, Kulasekharam, Nagercoil, Kanyakumari District and he used to have prayer in his house. But, the third respondent is preventing the petitioner from conducting prayers in his house. He further submitted that in CrI.O.P(MD). No.15462 of 2011, this Court has directed the police not to interfere with the civil rights of the petitioner and harass the petitioner.

3.The learned Additional Public Prosecutor has submitted that the petitioner was not subjected to any harassment.

4. This Court in W.P(MD).No.10782 of 2006 has held that there is no need to get prior permission from any authority for conducting prayers in a dwelling house. Further it was observed that if there is any nuisance caused due to noise pollution or for any other *bona fide* reasons, it is always open to the authorities to take necessary action under the provisions of the relevant Statutes. In CrI.O.P.No.15462 of 2011, this Court has observed that the respondent police shall not interfere with the civil rights of the petitioner and also shall not harass the petitioner under the guise of enquiry.

5.In this case, there is no dispute that the house situated in R.S.No.176/18, Vilavoorkonam, Thumbacode Village, Kulasekharam, Nagercoil, Kanyakumari District, belongs to the petitioner herein and that being so, the respondent police should not interfere with the prayer being conducted in his dwelling house and also should not harass him under the guise of enquiry.

6.With the aforesaid observation, the Writ Petition is disposed of. No Costs. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS-)

To

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

2. The Deputy Superintendent of Police
Thuckalay, Nagercoil
Kanyakumari District



3. The Inspector of Police
Kulasekharam Police Station
Kanyakumari District

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.F.DEEPAK, Advocate (SR-96577[F] dated 07/11/2019)

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and
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