



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 29.11.2019
CORAM
THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

WEB COPY

W.P.(MD) No.25516 of 2019

and

W.M.P(MD) No.22077 of 2019

K.kalesh

... Petitioner

-Vs-

1.The District Collector,
Nagercoil, Kanyakumari District.

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

3.The Inspector of Police,
Kaliyakavilai 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 at house No.25/93.A, Poothapillavilai, Kurumathur, Kuzhithurai Post, Kanyakumati District and consequently, direct the respondents not to insist upon me to get permission for the conduct of prayers in my house to harass the petitioner under the guise of enquiry in the light of the orders passed in CrI.O.P(MD)No.3039 of 2018, W.P(MD)No.710 of 2019, W.P.(MD)No.2149 of 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 at house No.25/93.A, Poothapillavilai, Kurumathur, Kuzhithurai Post, Kanyakumati District and consequently, direct the respondents not to insist upon the petitioner to get permission for the conduct of prayers in his house to harass 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 No.25/93.A, Poothapillavilai, Kurumathur, Kuzhithurai Post, Kanyakumati 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 Crl.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 at house No.25/93.A, Poothapillavilai, Kurumathur, Kuzhithurai Post, Kanyakumati 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 (Crl.side)

// True Copy //

Sub Assistant Registrar(CS)

das

To

- 1.The District Collector,
Nagercoil, Kanyakumari District.
- 2.The Superintendent of Police,
Nagercoil, Kanyakumari District.
- 3.The Inspector of Police,
Kaliyakavilai 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-102568[F] dated 29/11/2019)
W.P.(MD) No.25516 of 2019 and
W.M.P(MD) No.22077 of 2019
29.11.2019

SMA/18/12/19/2P/6C