

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:29.03.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.NO.5306 OF 2021

AND

W.M.P.NOS.5867 AND 5868 OF 2021

Selvaraj

.. Petitioner

vs.

1. The District Collector,
Coimbatore District,
State Bank Road,
Goplapuram, Coimbatore - 641 018.

2. The Deputy Superintendent of Police,
Subbammal Road,
Mahalingapuram, Pollachi,
Coimbatore District - 642 002.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus calling for the records of the first respondent pertaining to the impugned order dated 19.01.2021 in Proc.No.371/2021/U3 and quash the same in so far as it directs the petitioner not to conduct prayer meetings in the petitioner's premises and consequently forbear the respondents from in anyway interfering with the conduct of prayers, practice and propagation of religion and worship by the petitioner at his premises comprised in 29 & 30, Sakthi Garden, Mothirapuram, Suleeshwaranpatti, Pollachi, Coimbatore - 642 006 in accordance with law. सत्यमेव जयते

For Petitioner : Mr.Richardson Wilson

For Respondents : Mr.V.Shanmuga Sundar
Special Government Pleader

ORDER

This writ petition has been filed, challenging the order dated 19.01.2021 passed by the first respondent rejecting the petitioner's request to conduct the prayer meetings in the petitioner's premises at Nos.29 & 30, Sakthi Garden, Mothirapuram, Suleeshwaranpatti, Pollachi, Coimbatore - 642 006

and to forbear the respondents from in any way interfering with the conduct of prayers at the aforementioned property in accordance with law.

2.The impugned order dated 19.01.2021 has been passed by the first respondent only on the ground that being a residential area, the permission sought for by the petitioner to conduct prayer meetings cannot be granted. This Court, by its earlier order dated 22.03.2021, directed the petitioner to file an affidavit before this Court stating that he will conduct the prayer meeting in his residence without causing any inconvenience whatsoever to any of his neighbours. In accordance with the said direction, the petitioner has filed an affidavit dated Nil, March 2021 before this Court which reads as follows:

"3. I humbly submit that I undertake before this Hon'ble Court that I will conduct prayer meetings/worship/gospel reading peacefully without causing any nuisance to the neighbours residing at Sakthi Garden. Furthermore, I undertake before this Hon'ble Court not to use any loud speakers or create any noise pollution therein which causes inconvenience to the public.

4.I hereby humbly undertake before this Hon'ble Court that I will not cause any obstruction of roads by parking vehicles near the petition premises during such prayer meetings.

5.I further humbly submit that in case of any disturbance reported by the residents of Sakthi Garden or violation of any undertakings mentioned above, the respondents herein are at liberty to take action against the petitioner in accordance with law."

3.The aforesaid undertaking given by the petitioner is recorded and is in accordance with the direction given by this Court on 22.03.2021.

4.Mr.V.Shanmuga Sundar, learned Special Government Pleader appearing for the respondents, on instructions, has not raised any serious objection for allowing the prayer sought for in this writ petition subject to the fulfillment of the conditions as undertaken by the petitioner in his affidavit filed before this Court pursuant to the direction given by this Court on 22.03.2021.

5.For the foregoing reasons, the impugned order dated 19.01.2021 is hereby quashed and the petitioner shall abide by his undertaking given before this Court pursuant to the direction given by this Court on 22.03.2021 and failure to abide by the said undertaking, the respondents are at liberty to take action against the petitioner in accordance with law.

6.With the aforesaid direction, the writ petition is disposed of in terms of the undertaking given before this Court by the petitioner. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Coimbatore District,
State Bank Road,
Goplapuram, Coimbatore - 641 018.
2. The Deputy Superintendent of Police,
Subbammal Road,
Mahalingapuram, Pollachi,
Coimbatore District - 642 002.

+1cc to Mr.Richardson Wilson, Advocate, S.R.No.206521

CP(CO)
CS/20/04/2021

W.P.No.5306 of 2021

सत्यमेव जयते

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