



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2021

CORAM:

THE HONOURABLE **MRS.JUSTICE R. THARANI**

WP (MD)No.2566 of 2021

and

W.M.P (MD) .No.2113 of 2021

S.Jesudass

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Kanyakumari.

2.The Superintendent of Police,
Office of the Superintendent of Police,
Kanyakumari District,
at Nagercoil.

3.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Thuckalay, Kanyakumari District.

4.The Inspector of Police,
Kulasekaram Police Station,
Kulasekaram, Kanyakumari

District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus forbearing the the respondents 3 and 4 from interfering into the prayer sessions and performance of the religious rituals conducted in the petitioner's building situated at peniel Cottage, Pullai House, Andoor, Vendalicode Post, Kalkulam, Kanyakumari District within the time stipulated by this Court.

For Petitioner	: Mr.G.Anto Prince
For Respondents	: Mr.R.Saravanakumar Government Advocate

O R D E R

By consent, this Writ Petition is taken for final hearing.

2. Mr.R.Saravanakumar, learned Government Advocate accepts notice for the respondents.



3. On the side of the petitioner it is stated that the petitioner is having prayer in his dwelling house, which was resisted by the third and fourth respondents and that there was no complaint of nuisance against the petitioner. The petitioner never cause any hindrance to the public or his neighbors and prayed for a direction forbearing the respondents 3 and 4 from interfering in the prayer sessions to be conducted in the dwelling house of the petitioner.

4. On the side of the petitioner it is stated that the petitioner is having the right of worship under Article 21 of the Constitution of India and had relied upon the decision reported in **(2005) 4 CTC 171 (in the case of Albert Raj Vs., The District Collector, Kanaykumari District)**, which was dealt with by the Hon'ble Supreme Court with regard to the same issue and also relied upon a decision reported in **2006 1 MLJ 158** and **2006 1 CTC 22**.

5. On the side of the respondents it is stated that there is a complaint against the petitioner by one Ashash and the same was registered as Current Paper No.T3PS/22/20 dated 03.12.2020 and enquiry is pending.

6. Considering the aforesaid submissions, the respondents 1 and 2 are directed to take up the matter for enquiry and to consider the same in accordance with law within a period of two months from the date of receipt of a copy of this order.

7. With the above observation, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmk

Note: (i) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The District Collector,
Kanyakumari District,
Kanyakumari.

2.The Superintendent of Police,
Office of the Superintendent of Police,
Kanyakumari District,
at Nagercoil.

3.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Thuckalay, Kanyakumari District.

4.The Inspector of Police,
Kulasekaram Police Station,
Kulasekaram, Kanyakumari District.

+1 CC to M/s.G.ANTO PRINCE, Advocate SR-4860[F] dated 12/02/2021

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TR(02.03.2021) 3P 6C