



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.18806 of 2021

V.Kamalan

... Petitioner

**Vs.**

The Collector,  
Kanyakumari District.

... Respondent

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondent and his officials from disturbing the trust activities of quintessential inaugural assembly prayers, on the days trusts activities with family, friends, relatives and selected priority members of the trust are conducted within four walls of petitioner's trust office in Door No.24/45-1, Karumbumavilai Kurumathur Kuzhidurai post, Kanyakumari District.

For Petitioner : Mr.P.Bhaskar  
For Respondent : Mr.P.Subbaraj,  
Counsel for State.

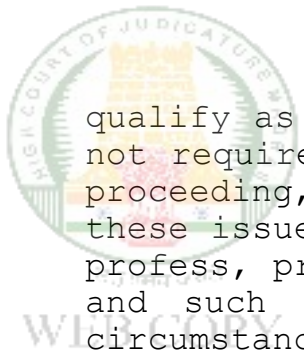
**ORDER**

The petitioner seeks a direction to restrain the respondent from disturbing the activities of the Trust at the branch office at Door No.24/45-1, Karumbumavilai Kurumathur Kuzhidurai post, Kanyakumari District.

2. The petitioner states that he is the principal trustee of a registered Trust. It is stated that the said Trust carries on charitable activities in terms of the trust deed. The Trust conducts meetings of the trustees, members of their families and friends at the above mentioned location. It is alleged that such activities were sought to be prevented although they were carried on in the confines of the aforesaid property. Therefore, the petitioner submitted a representation dated 16.09.2021. The present Writ Petition is filed in these facts and circumstances.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the sole respondent. By adverting to the representation of the Petitioner, Mr.P.Subbaraj points out that the Trust is admittedly undertaking group prayers in the said property.

4. The petitioner relies upon the trust deed which sets out the objects and purposes of the Trust. On such basis, the petitioner states that the activities of the Trust are largely charitable in nature and that the religious activity is ancillary thereto. In addition, it is submitted that the property does not



qualify as a place of worship and that, therefore, prior consent is not required for undertaking such activities. For purposes of this proceeding, it is not necessary to record definitive findings on these issues. However, it should be borne in mind that the right to profess, practice and even propogate religion is a fundamental right and such rights should not be curtailed except in the limited circumstances specified in the Constitution.

5. Subject to the above observations, W.P(MD).No.18806 of 2021 is disposed of by directing the respondent to consider the petitioner's representation dated 16.09.2021 and dispose of the same by a reasoned communication within a period of two (2) months from the date of receipt of a copy of this order. There will be no order as to costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/lm

Note : 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

The Collector,  
Kanyakumari District.

+1 CC to M/s.SPL.GP (SR-32359[F] dated 25/10/2021)

**W.P (MD) No.18806 of 2021  
22.10.2021**

**SE (CO)**

GC/JGB(02.11.2021) 2P 3C