



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2022

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.10333 of 2022

C.Manova Murugesh

... Petitioner

Vs

1. The District Collector,
Tirupur District,
Tirupur.
2. The Superintendent of Police,
Tirupur District,
Tirupur.
3. The Revenue Divisional Officer,
Udumalaipettai,
Tirupur District.
4. The Tahsildar,
Udumalaipettai,
Tirupur District.
5. The Inspector of Police,
Thali Police Station,
Tirupur District.

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Mandamus, directing the second and fifth respondents to consider the petitioner's representation dated 28.02.2022 and to give adequate police protection to the petitioner and to the petitioner's family members and allow the petitioner to conduct prayer in week off days in petitioner's residence peacefully.

For Petitioner : Mr.K.K.Samy

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor



ORDER

This Writ Petition has been filed to direct the second and fifth respondents to give adequate Police protection to the petitioner and to the petitioner's family members and allow the petitioner to conduct prayer in the week off days in the petitioner's residence peacefully.

2. The case of the petitioner is that he had completed the Theology Instructor course and had conducted Sunday prayers in his house at Door No.3/18, Salaiyur East Street, Thinnaipatti Panchayat, Udumalaipatti Taluk, Thirupur District. Further, the said Sunday prayers are being conducted every Sunday between 9.30 A.M and 1.00 P.M. The petitioner's family members, relatives and friends used to participate in the said prayers. It is the further case of the petitioner that the prayers have been conducted without any disturbance to neighbours and villagers are also supporting the petitioner for conducting the prayers. While so, some disgruntled elements started objecting to the prayers conducted in the house and a complaint had also been given to the fifth respondent, based on which he had orally directed the petitioner not to conduct the prayers in his house for some days. It is the further case of the petitioner that as per Article 25(1) of the Constitution of India, the petitioner has right to practise his religion, subject to reasonable restrictions and that the petitioner is not causing trouble to anybody. Since it was objected by the fifth respondent, the petitioner had sent a representation to the first and second respondents for taking necessary action and to permit the petitioner to pray peacefully in his house. As the said representation has not been considered, the petitioner has approached this Court.

3.The learned counsel for the petitioner would further submit that this Court, in several cases including W.P(MD). No.710 of 2019, vide order dated 11.01.2019 and W.P.No.2149 of 2018, vide order dated 14.06.2019, had observed that the question of requiring the petitioners therein to get prior permission from anybody for assembling and conducting any prayers in their dwelling place, per se, without causing nuisance or disturbance to others and without causing hindrance to the general public of the Locality, does not arise and thereby, the petitioner herein seeks for a direction to the respondent 1 and 2 to consider the representation dated 28.02.2022.

4.Learned Additional Public Prosecutor appearing for the respondent would submit that the said representation of the petitioner dated 28.02.2022, will be duly considered and appropriate order would be passed.



5. Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor and perused the entire materials available on record.

6. In view of the submission made on either side, a direction is issued to the second respondent to consider and pass orders on the said representation of the petitioner dated 28.02.2022, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above observations and directions, this Writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vkr/nti

To

1. The District Collector,
Tirupur District, Tirupur.
2. The Superintendent of Police,
Tirupur District, Tirupur.
3. The Revenue Divisional Officer,
Udumalaipettai, Tirupur District.
4. The Tahsildar,
Udumalaipettai,
Tirupur District.
5. The Inspector of Police,
Thali Police Station,
Tirupur District.
6. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.K.Kathiresan, Advocate, S.R.No.30347

W.P.No.10333 of 2022

MT(CO)
CT 12/05/2022