



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2022

CORAM:

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

WP NO.23989 OF 2014

1.Alfred Sam ... Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by its Secretary to Government
Home Department
Fort St. George, Chennai - 600 009.

2.The Collector
Kanyakumari District, Kanyakumari. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the passing of the G.O.(D) No.304, Home (Pol.12) Department, dated 02.05.2014 on the file of the 1st respondent and quash the same and consequently direct the 2nd respondent to issue permission for construction of prayer house in Survey No.757/1 in Thuckalay Village, Kalkulam Taluk, Kanniyakumari District.

For Petitioner : Mr.G.Justin

For Respondents : Mr.M.Rajendran
Additional Government Pleader

O R D E R

The rejection of request to construct a Prayer Hall within 500 meters distance from Mandaikadu Bhagavathi Amman Temple is the issue under challenge in this writ petition.

2.The impugned order clearly sets out that following the communal clash which took place at Mandaikadu, Kanyakumari District during March 1982, the Government of Tamil Nadu had appointed a One Man Enquiry Commission and issued G.O.(Ms) No.916, Public (Law and Order-B) Department, dated 29.04.1986, accepting the recommendation of the One Man Enquiry Commission. As per the recommendation, any religious construction within 500



meters of another religious place cannot be permitted. In the instant case, two Sudalaimadan Swamy Temples, Amman Temple, Narayanasamy Temple, Mutharamman Temple and a Sahayamatha R.C. Church are situated within the prohibited distance of the proposed construction. After considering the sensitivity of the area and the likelihood of eruption of communal clash, the Government has rejected the request of the petitioner in order to maintain public order.

3.As per Article 25 of the Constitution of India, freedom of conscience and free profession, practice and propagation of religion shall be subject to public order, morality and health and to other provisions of Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion.

4.Therefore, the impugned order came to be passed in order to maintain law and order, peace and harmony at the Society and to avoid communal clashes. As such, the order impugned in the writ petition cannot be interfered with and the writ petition merits no consideration. Accordingly, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

TK

To

1.The Secretary to Government
Government of Tamil Nadu
Home Department
Fort St. George, Chennai - 600 009.

2.The Collector
Kanyakumari District,
Kanyakumari.

+1cc to Mr.G.Justin, Advocate, S.R.No.21468
+1cc to the Government Pleader, S.R.No.22245

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MT(CO)
SB(21/04/2022)