WEB COPY

BEFORE THE MADURAI BENGH OF MADRAS HIGH COURT
DATED: 24.03.2022
CORAM
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
W.P(MD)No.3100 of 2022

Baskaran ... Petitioner

Vs

1.The Superintendent of Police,
Kanyakumari District,
Kanyakumari.

2.The Inspector of Police,
Suchindram Police Station,
Virudhunagar District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus, forbearing the respondents from interfering with the peaceful conducting of the prayer in the house of the petitioner along with his family members and relatives in 2-3/4 cents of land situated at Old Survey No.1855 and New Survey No.532/7, Door No.No.5-116, Pethaperumalkudiiruppu, Puthalam, Agasteeswaram Taluk, Kanyakumari District based on the representation given by the petitioner, dated 30.11.2021.

For Petitioner : Mr.M.Ashok Padmaraj

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, forbearing the respondents from interfering with the peaceful conducting of the prayer in the house of the petitioner along with his family members and relatives in 2-3/4 cents of land situated at Old Survey No.1855 and New Survey No.532/7, Door No.No.5-116, Pethaperumalkudiiruppu, Puthalam, Agasteeswaram Taluk, Kanyakumari District based on the representation given by the petitioner, dated 30.11.2021.

2. The case of the petitioner is that he along with his family members and relatives used to participate in the prayer on every Saturday and Sunday in his house and they are not using any mike or sound speaker during the prayer. While being so, on 07.11.2021, the second respondent visited his house and strictly warned the petitioner that he should not pray inside his house along with his friends and relatives, without obtaining an order. Hence, the

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

petitioner sent a representation, dated 30.11.2021 to the respondents. Since no action has been taken on the said representation, the petitioner is before this Court.

3. The learned Government Advocate (Criminal Side) appearing for the respondents would submit that absolutely there is no interference by the second respondent and the petitioner is directed to conduct house prayer without causing any disturbance to the general public.

4. This Court in the similar Writ Petitions allowed the petitions to conduct prayer in the house without causing any hindrance or disturbance to the general public. Considering the above nature of the prayer sought for in the said petition, there is no need to get any prior permission from any Authority for assembling and conducting prayer in the dwelling house of the petitioner. However, if there is any nuisance being caused due to noise pollution or for any other bona fide reasons to the general public, it is always open to the respondents herein to take appropriate action in accordance with law against the petitioner.

5. With the above observations, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ps

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

1.The Superintendent of Police,
Nagercoil,
Kanyakumari District.

2.The Inspector of Police,
Suchindram Police Station,
Virudhunagar District.

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

Copy to

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.ASHOK PADMARAJ, Advocate (SR-14432[F] dated 25/03/2022)

W.P(MD)No.3100 of 2022
24.03.2022

RK(04/04/2022) 3P 5C

https://hcservices.ecourts.gov.in/hcservices/