



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2022

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. (MD) .No. 4435 of 2022

Rev.G.Sahaya Justin Raj

... Petitioner

Vs.

1. The Superintendent of Police
Nagercoil, Kanyakumari District

2. The Inspector of Police
Boothapandi Police Station
Kanyakumari District

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents not to interfere with the rights of the petitioner for conducting prayer along with the family members, relatives and friends at the residence of the petitioner situated at Door No.12/28-1, Keelapelavakkal Vilai, Ettamadai, Azhakiyapandipuram, Kanniyakumari District

For Petitioner : Mr.K.Samidurai

For Respondents : Mr.RM.Anbunithi
Additional Public Prosecutor

ORDER

This Writ Petition has been filed to direct the respondents not to interfere with the rights of the petitioner for conducting prayer along with the family members, relatives and friends at the residence of the petitioner situated at Door No.12/28-1, Keelapelavakkal Vilai, Ettamadai, Azhakiyapandipuram, Kanniyakumari District

2. The case of the petitioner is that he purchased a property comprised in new Survey No.530/3Aby registered sale deed dated 13.02.2020 registered bearing No.985/2020. After obtaining approval for construction of house the petitioner had constructed a residential house. The town panchayat had also given approval for the construction of the house and he was granted patta vide Patta No.6450. While being so, the petitioner and his relatives have been



conducting prayer in his house for the part two years without any hindrance or disturbance to the public. However the second respondent had visited the house of the petitioner and instructed the petitioner to conduct house prayer without getting permission from the District Collector.

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3. The learned Additional Public Prosecutor 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 that 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, 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 respondent 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 (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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
Boothapandi Police Station
Kanyakumari District

3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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+1 CC to M/s.M.GNANAGURUNATHAN, Advocate (SR-11857[F] dated 14/03/2022

**ORDER MADE IN
W.P. (MD) .No.4435 of 2022
14.03.2022**

PKP/22.03.2022/3P/5C