



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.03.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

WP (MD) . No.5194 of 2022

A.Selvin Amburose

... Petitioner

Vs

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

2.The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.

... Respondents

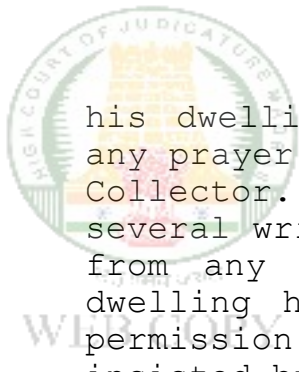
PRAYER :- Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents not to interfere with the rights of the petitioner for conducting prayer along with his family members, relatives and friends at the residence of the petitioner situated at Door Old No.26-57 B, New No.26/91, Kattatchivilai, Mamoottukadai, Nattalam Post, Kanniyakumari District.

For Petitioner : Mr.K.Samidurai
For Respondents : Mr.R.M.Anbunithi,
Additional Public Prosecutor

O R D E R

This Writ Petition has been filed to issue a Writ of Mandamus directing the respondents not to interfere with the rights of the petitioner for conducting prayer along with his family members, relatives and friends at the residence of the petitioner situated at Door Old No.26-57 B, New No.26/91, Kattatchivilai, Mamoottukadai, Nattalam Post, Kanniyakumari District.

2. The learned counsel for the petitioner would submit that the petitioner is the owner of the house at at Door Old No.26-57 B, New No.26/91, Kattatchivilai, Mamoottukadai, Nattalam Post, Kanniyakumari District. He intended to conduct the peaceful prayer inside the house along with his relatives. When the petitioner approach the respondents for seeking permission to conduct prayer in



his dwelling house, the second respondent insisted not to conduct any prayer inside the house without the permission from the District Collector. He further submitted that this Court passed orders in several writ petitions that there is no need to get prior permission from any Authority for assembling and conducting any prayer in dwelling house. While being so, the petitioner did not get any permission from the Revenue Authorities/District Collector, as insisted by the second respondent herein.

3. The learned Additional Public Prosecutor would submit that so far no representation has been received from the petitioner and also no complaint from any neighbours in respect of the allegation that the petitioner intended to conduct any prayer in his house.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

5. This Court in the similar writ petition allowed the petition 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 respondents land 2 herein to take appropriate action, in accordance with law, against the petitioner.

6. In view of the above, this Writ Petition is Allowed. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

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,
Marthandam Police Station,
Kanyakumari District.

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

+1 CC to M/s.K.SAMIDURAI, Advocate (SR-14420[F] dated 25/03/2022)

ORDER

IN

WP (MD) No.5194 of 2022

Date : 24/03/2022

NSN (CO)

KP (05.04.2022) 3P 5C