



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. (MD).No. 6101 of 2022

WEB COPY

Pr.C.Edwin Jebaraj

... Petitioner

Vs.

1. The Superintendent of Police
Nagercoil, Kanyakumari District

2. The Inspector of Police
Karungal 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 second respondent to consider the petitioner's representation, dated 16.03.2022, not to disturb the petitioner's house prayer activities, in No:14-148/2, Kukkachivilai, Thazhakanvilai, Mullanganavilai Post, in Killiyoor Town Panchayat at Vilavancode Taluk, Kanyakumari District.

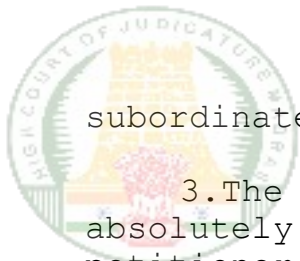
For Petitioner : Mr.M.Punitha Deva Kumar

For Respondents : Mr.R.M.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 at the residence of the petitioner situated at Door No.14-148/2, Kukkachivilai, Thazhakanvilai, Mullanganavilai Post, Killiyoor Town Panchayat at Vilavancode Taluk, Kanyakumari District.

2.The case of the petitioner is that for the past two years, every Sunday, the petitioner was conducting prayer along with his family members and friends in his rental house without causing disturbance to the general public. But, now some unknown persons of his locality instigated the second respondent against the petitioner and regularly causing disturbance to his prayer activities. Therefore, the petitioner gave a representation, dated 23.11.2021 to the second respondent not to disturb his house prayer activities and again, on 01.12.2021 the petitioner gave a representation to the District Collector, Kanyakumari District and the second respondent also. Finally, on 16.03.2022, he submitted a representation to the respondents for not disturbing his house prayer activities. But, no action has been taken. Now, the second respondent and his



subordinates were disturbing his house prayer activities.

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 petitioners 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, 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 (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

To

1. The Superintendent of Police
Nagercoil, Kanyakumari District
2. The Inspector of Police
Karungal Police Station
Kanyakumari District
3. The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.M.PUNITHA DEVA KUMAR, Advocate (SR-16275[F] dated 04/04/2022)

W.P. (MD) .No.6101 of 2022
04.04.2022

TP (CO)

KB(19.04.2022) 2P 5C