



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P (MD)No.8919 of 2022

R.Sheeba Selvaraj

... Petitioner

Vs

1.The Superintendent of Police,
Kanyakumari District.

2.The Inspector of Police,
Eraniel Police Station,
Kanyakumari 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 her family members and relatives situate in Door No.3/27, Nellyarkonam, Pandaravilai, Kalkulam, Neyoor, Kanyakumari District.

For Petitioner : Mr.M.Gnanagurunathan

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor

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 her family members and relatives situate in Door No.3/27, Nellyarkonam, Pandaravilai, Kalkulam, Neyoor, Kanyakumari District.

2. The case of the petitioner is that she along with her family members and relatives used to conduct prayers in her house without causing any disturbance to the public. For the past 10 years, they are conducting prayers in her house and there are no adverse remarks against her. While so, the second respondent had visited her house and instructed not to conduct house prayer without getting permission from the District Collector. Hence, the petitioner sent a representation, dated 25.04.2022 before the respondents. Since no action has been taken on the said representation, the petitioner is before this Court.

3. The learned Additional Public Prosecutor appearing for the respondents would submit that absolutely there is no interference by



the second respondent and the petitioner is directed to obtain permission from the District Collector.

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-I)

// 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,
Kanyakumari District.

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

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

+1 CC to M/s.M.GNANAGURUNATHAN, Advocate (SR-22916[F] dated
29/04/2022)

W.P (MD) No. 8919 of 2022
29.04.2022

RK(17/05/2022) 2P 5C

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