



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.18214 of 2021

Rev.D.Mervinson

... Petitioner

Vs.

1.The Superintendent of Police,
Kanniyakumari District.

2.The Inspector of Police,
Poothapandi Police Station,
Kanniyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 Constitution of India, to issue a Writ of Mandamus, to direct the respondents not to interfere with the rights of the petitioner for conducting prayer along with his family members and relatives at the residence of the petitioner situated at Door No. 17-47/4, Balamore Road, Azhagiyapandiyapuram, Thovalai Taluk, Kanniyakumari District.

For Petitioner : Mr.K.Samidurai

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

O R D E R

This petitioner has been filed to direct the respondents not to interfere with the rights of the petitioner for conducting prayer along with his family members and relatives at the residence of the petitioner situated at Door No. 17-47/4, Balamore Road, Azhagiyapandiyapuram, Thovalai Taluk, Kanniyakumari District.

2. The learned counsel for the petitioner would submit that the petitioner is the owner of the house at Door No. 17-47/4, Balamore Road, Azhagiyapandiyapuram, Thovalai Taluk, 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 Revenue Officials. He further submitted that the civil circumstances, 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 as insisted by the second respondent herein.

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3. The learned Government Advocate (Criminal Side) 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 Government Advocate (Criminal Side) 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. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

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,
Kanniyakumari District.

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



2.The Inspector of Police,
Poothapandi Police Station,
Kanniyakumari District.

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

+1 CC to M/s.K.SAMIDURAI, Advocate (SR-9311[F] dated 01/03/2022)
W.P (MD) No.18214 of 2021
01.03.2022

MGJ(09.03.2022) 3P 5C