



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.21459 of 2021

Pr.A.Stalin

...Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Nagarcoil.

2.The Inspector of Police,
Aralvaimozhi 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 10.11.2021, for not disturb to the petitioner's house prayer activities in the name of Jesus Gives Life Prayer House, functioning at No.8/104J/31, Subash Nagar, Aralvaimozhi Post, Kanyakumari District.

For Petitioner : Mr.M.Punitha Devakumar

For Respondents : Mr.T.Senthil Kumar

Additional Public Prosecutor

ORDER

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

2.The petitioner is running a prayer house at the petition mentioned premises. The learned Counsel for the petitioner stated that once in a week for two hours they want to hold a prayer meeting without causing disturbance to any person in the locality.

3.Though the submission of the learned Counsel for the petitioner appears to be quite persuasive, I have to bear in mind the mandate of law.

4.The petitioner seeks issuance of a Writ of Mandamus, forbearing the respondent police from interfering with the prayer activities.



5.As rightly pointed out by the learned Additional Public Prosecutor, if a complaint is received from the neighbours or from the residents of the locality, then only, the police will interfere; otherwise the police are not going to interfere with the issue.

6.If the petitioner wants this Court to issue a Writ of Mandamus, then, he must have with him prior approval from the District Collector. Before a building can be used for religious purposes, approval from the District Collector must have been obtained. This is the statutory mandate. In this case, the petitioner has not enclosed any such prior approval. Therefore, this Court is not in a position to issue Writ of Mandamus as prayed for.

7.For this reason, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

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 District Collector,
Kanyakumari District,
Nagarcoil.
- 2.The Inspector of Police,
Aralvaimozhi Police Station,
Kanyakumari District.
3. The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

W.P. (MD) .No.21459 of 2021
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