



W.P(MD) No. 16843 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :03.08.2023

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THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P(MD)No.16843 of 2020

and

W.M.P(MD) No.14069 of 2020

Rev. V.Stephen

... Petitioner

-Vs-

1. The Superintendent of Police
Thoothukudi District
2. The Revenue Divisional Officer
Kovilpatti, Thoothukudi District
3. The Tahsildhar
Kovilpatti, Thoothukudi District
4. The Inspector of Police
Kovilpatti West Police Station,
Kovilpatti

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus forbearing the respondents 2 to 4 from interfering with the peaceful functioning of petitioners family counseling cum religious book selling center namely Sathiya Muzhakkam situated at No. 23, Pandian Plaza Upstairs, Manthithoppu Road, Kovilpatti, Thoothukuid District.



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For Petitioner
For Respondents

: Mr. K.Samidurai
: Mr. R.M.Anbunithi
Additional Public Prosecutor

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus forbearing the respondents 2 to 4 from interfering with the peaceful functioning of petitioners family counseling cum religious book selling center namely Sathiya Muzhakkam situated at No. 23, Pandian Plaza Upstairs, Manthithoppu Road, Kovilpatti, Thoothukuid District.

2. According to the petitioner the petitioner is running a Trust which is a registered one and the main object and aim of the petitioner's trust is to disseminate Christian knowledge among Indian especially in remote places and other charitable purposes as specified in the object clause for the benefit of the public without any discrimination of caste, creed or religion in any part of Indian Union. He had taken a building situated in Pandian Plaza, Manthithoppu Road, Kovilpatti, Thoothukudi District for rental in the year 2017 and running a Christian Book Selling Centre and Family Counselling Centre namely "Sathiya Muzhakkam". It is only a family counselling centre and book selling centre and it is not Church. Whiles, one Sudhakar of Kovilpatti associated with a political party had given a



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complaint against the assembly before the second respondent and the second respondent has sent letter dated 09.06.2018 to appear for enquiry. The petitioner appeared for enquiry with relevant documents and submitted explanation on 22.06.2018. Since they are not conducting any activities affecting public or law and order, the second respondent had not taken any action. Thereafter again on October 2020 the very same Sudhakar had given problem and again has given complaint to the fourth respondent on 08.10.2020 and the fourth respondent issued notice for the same. Thereafter the third respondent also issued notice dated 23.10.2020 to appear for enquiry on 02.11.2020. The petitioner also attended enquiry and thereby the authorities are unnecessarily harassing the petitioner . Further the respondents 2 and 3 are insisting the petitioner to get permission under Rule 4(3) of Tamil Nadu Panchayat Building Rules,1997, for conducting prayer, hence he has filed the present petition.

3. No counter was filed by the respondents.

4. The learned counsel for the petitioner contended that the petitioner is running a book stall and counseling centre for that one private respondent Sudhakar had given complaint and the same was enquired by the police and thereafter very often the said Sudhakar



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caused trouble by giving false complaints. The respondent also enquired the petitioner frequently and harassed and insisted to get licence for conducting prayer. Hence the petitioner has filed this petition for forbearing the respondents 2 to 4 from interfering with the peaceful functioning of petitioners family counseling cum religious book selling center.

5. The learned Additional Public Prosecutor appearing for the respondents contended that the petitioner has not obtained any licence for conducting prayers and thereby causing hindrance to the public by gathering more than 1000 peoples in the narrow lane. Already complaint was given against the petitioner for which C.S.R was also given by the respondents. Further 145 Cr.P.C proceedings was also initiated. the petitioner without permission conducted prayers in the said place, thereby the petitioner has to obtain licence for conducting prayers and the same was questioned by the officials. As per rules, the petitioner has to obtain licence from the concerned authorities based on the complaint only the official respondents make enquiry with the petitioner and in order to avoid the law and order problem they enquired the petitioner and no any violation of rules and procedure, hence the petition is liable to be dismissed.



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6. The learned counsel appearing for the petitioner further contended that this Writ Petition pertains to the year 2020 and 145 Cr.P.C proceedings was subsequently initiated. However the official respondents would contend that 145 Cr.P.C proceedings was also initiated in the year 2020, based on the circumstances of the case.

7. Heard both sides and perused the materials available on record.

8. According to the petitioner the respondents harassed the petitioner and interfered with the running of book stall, but as per official respondents they received complaint and they enquired the petitioner and on enquiry they found that the petitioner without any permission and licence conducted prayer in the said premises. The petition is of the year 2020 and entire allegations is against the fourth respondent, particular officer and now after two years the particular officer is not working the said station and transferred to some other place and there is no interference by the fourth respondent. So far as the licence is concerned the petitioner has to satisfy the existing rules in force for running book stall and conducting prayers and counselling centre. Since the official respondents represented that



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without licence the petitioner is conducting prayer and they received complaints and in order to avoid the law and order problem they enquired the petitioner, the petitioner can approach the concerned authorities to get permission for conducting prayers as per rules.

9. With the above direction, the Writ Petition stands disposed of.

No costs. Consequently connected miscellaneous petition is closed.

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Index : Yes/No

Internet : Yes/No

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P.DHANABAL, J.

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