



WEB COPY



W.P.No.1766 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2024

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.1766 of 2021

and

W.M.P.No.1974 of 2021

Pastor.B.Jayaprathap

... Petitioner

Vs.

1. The District Collector,
Erode District,Erode.

2. The Administrative Magistrate /Revenue Tashildar,
Namibiyur Taluk, Erode District.

3. The Inspector of Police-
Varapalayam Police Station,
Erode District.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for records in Na.Ka.No. 4682/ 2020 / Aa1 dated 26.12.2020 on the file of 2nd respondent and quash the same and forbearing the respondents from in anyway interfering with the conduct of prayers by the petitioner at the residential house premises situated at Door No. 5/98, Postal street, Emmampoondi 'A' Village, Nambiyur Taluk, Erode District.



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For Petitioner : M/s.M.Jayadeepa
For Respondents : Mr.P.Bala Thandayutham,
Special Government Pleader,
(for R1 to R3)

ORDER

The relief sought for in the present writ petition is to forbear the respondents from in anyway interfering with the conduct of prayers by the petitioner at the residential house premises situated at Door No. 5/98, Postal street, Emmampoondi 'A' Village, Nambiyur Taluk, Erode District.

2. Under the provisions of the Statutes and the Rules, the religious activities conducting prayers are to be done only with the prior permission from the Authorities concerned. Such mass prayers cannot be conducted in residential areas, so as to cause inconvenience or nuisance to the other residents of that locality. In such circumstances, the Authorities are empowered to initiate action.

3. Right to profess religion is subject to restrictions under law. Fundamental right to profess religion is not absolute and reasonable restrictions are imposed by the Authorities based on the Statutes and the Rules in force.



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4. In the present case, the petitioner cannot conduct any religious prayer, meetings in the residential area without permission, which may cause nuisance or inconvenience to the other residents of that locality.

5. The learned Special Government Pleader appearing on behalf of the respondents would submit that the petitioner at present is not conducting any such prayer meetings in the said premises as stated in the affidavit filed in support of the present writ petition. Therefore, no further consideration is required in the present writ petition.

6. Accordingly, the present writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

02.02.2024

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)



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To

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S.M.SUBRAMANIAM. J.,

(sha)

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