



WEB COPY



W.A.No.2941 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

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S.Raja Mohemed,
Co-ordinator,
Nagore Towheed Coordination Committee,
No.31E, Pudumanai Street, Nagore,
Nagaipattinam – 611 002.

... Appellant

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary, Home Department,
Fort St. George, Chennai – 600 009.
- 2.The Director General of Police,
Post Box No.601, Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.
- 3.The Superintendent of Police,
Nagaipattinam District,
Nagaipattinam.
- 4.The Deputy Superintendent of Police,
Nagaipattinam District,
Nagaipattinam.



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5.The Inspector of Police,
Nagore Police Station,
Nagaipattinam.

... Respondents

Prayer:- Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 22.12.2023 in W.P.No.36192 of 2023 on the file of this Court.

For Appellant : Mr.L.Abdul Basith
For Respondents : Mr.Abishek Murthy
Government Advocate

J U D G M E N T

(Judgment was delivered by **S.S. SUNDAR, J.**)

This Writ Appeal is directed against the order of the learned Single Judge dated 22.12.2023 in W.P.No.36192 of 2023.

2.The appellant is a follower of Islam and he says that he is a religious person committed to propagate his religion. The petitioner earlier submitted a representation to the 5th respondent seeking permission to conduct public stall near Nagore Bus Stand, Nagore Beach and Railway Station to circulate bit notices and pamphlets from 14.12.2023 to 27.12.2023. The 5th



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respondent, by order dated 11.12.2023, which is impugned in the writ petition, rejected the representation of the appellant. The permission was refused to the appellant for several reasons citing the provisions of Indian Police Act, 1981, and the inconvenience that may be caused to the public. Aggrieved by the same, the appellant preferred the writ petition. The writ petition was also dismissed by the learned Single Judge holding that permission cannot be granted for putting up temporary structure in public road and to distribute pamphlets and bit notices which would cause nuisance to the public. Since the learned Judge agreed with the reasons for rejecting the representation of the appellant, the writ petition was dismissed, as the order of the 5th respondent does not warrant interference.

3.This Court is unable to interfere with the order of the learned Single Judge. The appellant as an individual is entitled to profess and propagate his religion in the manner guaranteed under our Constitution. It is not anyone's right to propagate and profess a religion by having a stall in a public place. Immense hardship and inconvenience will be caused to the public, in case the Police officials grant permission to individuals for propagating their



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religion, as the petitioner proposes in this case. The right guaranteed under Article 25 of the Constitution of India is subject to several limitations to protect public order, morality and public health and this Court, having regard to the reasons stated in the order that is impugned in the writ petition, is of the view that the order of the learned Single Judge is perfectly valid and in accordance with law.

4.Hence, this Writ Appeal is dismissed. However, if the appellant submits a fresh representation, it may be considered strictly in accordance with law taking into account public order, morality and public health and other statutory and constitutional limitations. No costs.

(S.S.S.R., J.) (A.D.M.C., J.)
21.10.2024

mkn

Internet : Yes
Index : Yes
Neutral Citation : Yes

To



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S.S. SUNDAR, J.



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