



W.P.No.6185 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.6185 of 2021 and
WMP.No.6806 of 2021

P.Williams

...Petitioner

Vs.

- 1.The District Collector,
Tiruppur
- 2.The Revenue Divisional Officer,
O/o Revenue Divisional Officer,
Tiruppur
- 3.The Subdivisional Administrative Mediator/Officer,
O/o Revenue Divisional Officer,
Tiruppur
- 4.The Inspector of Police,
Perumanallur Police Station,
Tiruppur
- 5.Murugesan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records with respect to the Order of the 2nd respondent vide Na.Ka.392 / 2020 / A1 dated 07.02.2020 insofar as directing the Petitioner to not to conduct any prayer meetings and quash the same and consequently to forbear the respondents from interfering with the peaceful conduct of prayers in the house of the Petitioner situated at Door No. 15



W.P.No.6185 of 2021

Venkateswara Nagar Extension, Near Meenakshi Nagar Bus Stop
Kanakampalayam Post, Tiruppur, in line with the Order dated
14.06.2019 in W. P.No. 2149 of 2018 passed by this Court.

For Petitioner : Mr.G.Thyagarajan

For Respondents

For R1 to 4 : Mr.S.J.Mohammed Sathik,
Government Advocate

For R5 : Mr.G.Karthikeyan,
Senior Counsel
for M/s.Jagadeeswari

ORDER

This writ petition has been filed challenging the order of the
2nd respondent vide Na.Ka.392 / 2020 / A1 dated 07.02.2020 insofar as
directing the petitioner not to conduct any prayer meetings.

2. The petitioner is a christian and he used to do worship in
and across Tiruppur for the past several years in the subject premises
owned by the petitioner. He has been doing religious worships and prayer
in his dwelling house with his family members. While being so, the fifth
respondent is being a leader of one party, objected the prayer conducted
by the petitioner in his dwelling house. Therefore, the petitioner lodged
complaint before the fourth respondent and he was issued CSR.No.125 of



W.P.No.6185 of 2021

2016. Even then, the fifth respondent and his group of persons caused disturbances and nuisances to the petitioner and also objected to provide electricity service connection and other amenities to the petitioner premises. Therefore, the petitioner also filed writ petition before this Court and obtained directions and only thereafter, he obtained electricity service connection and other amenities to the petitioner premises. While being so, the complaint was referred before the third respondent and the third respondent initiated proceedings under Section 107 of Cr.P.C. and conducted enquiry. In the enquiry, the second respondent passed order dated 07.02.2020 imposing certain conditions for doing prayers in the petitioner's dwelling house.

3. Heard, the learned counsel appearing on either side.

4. It is seen that the above issue has already been dealt with by this Court and settled the issues and the relevant portion of the order passed in WP(MD)No.710 of 2019 dated 11.01.2019 in the case of ***R.Jeganadhan Israel Vs. Superintendent of Police, Thanjavur and***



W.P.No.6185 of 2021

others is extracted hereunder:

“9. Invoking Article 25 of the Constitution of India, assailing the impugned order, reliance is placed by the learned counsel for the Petitioner on the following orders/judgements of this Court and the Principal Bench of this Court, made in similar circumstances:

a)CDJ 2007 MHC 5279 (Sadhu C.Selvaraj Vs. The Collector, Kanyakumari)

b)2005 4 CTC 171 (Albert Raj Vs. The District Collector, Kanyakumari District at Nagercoil)

c)Order, dated 14.08.2012, made in WP(MD)No.10782 of 2006, of the Madurai Bench of the Madras High Court.

d)Order, dated 13.08.2007, made in WP(MD)No.6732 of 2007, of the Madurai Bench of the Madras High Court.

e)Order, dated 30.04.2008, made in WP.No.4151 of 2008, of the Madras High Court.

f)Order, dated 14.12.2012, made in WP(MD)No.13336 of 2007, of the Madurai Bench of the Madras High Court.

g)Judgement, dated 03.01.2017, made in WA(MD)No.1349 of 2013, of the Madurai Bench of the Madras High Court.



W.P.No.6185 of 2021

WEB COPY

h)Order, dated 28.11.2011, made in Crl.OP(MD)No.15462 of 2011, of the Madurai Bench of the Madras High Court.

i)Order, dated 31.08.2018, made in WP(MD)No.18955 of 2018, of the Madurai Bench of the Madras High Court.

j)Order, dated 09.03.2018, made in Crl.OP(MD)No.3039 of 2018, of the Madurai Bench of the Madras High Court.

10. For ready reference, Article 25 of the Constitution of India is reproduced here under:

“25. Freedom of conscience and free profession, practice and propagation of religion. (1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.

(2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law-

(a) Regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;



W.P.No.6185 of 2021

(b) Providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.

Explanation I. The wearing and carrying of kirpans shall be deemed to be included in the profession of the Sikh religion.

Explanation II. In sub-clause (b) of clause (2), the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly.”

11. In the decisions relied on by the learned counsel for the Petitioner, various decision of various High Courts and the Honourable Supreme Court have been relied on and followed. The sum and substance of all the said decisions, are that in our Country, which is a free, democratic and secular country, people of all religions, castes and communities are equal under the Constitution of India, vide Articles 14 to 18. In India, every Citizen is having the right to have his own religious faith and propagate the same. However, enforcement of the constitutional rights in favour of a Citizen should be of paramount importance of the Authorities.

12. It is mandated under Article 25(1) of the



W.P.No.6185 of 2021

Constitution of India that subject to public order, morality and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right to freely profess, practise and propagate religion. All persons are entitled to freedom of religion. Hence, every member of a religious denomination is entitled to the fundamental right of freedom of religion. It necessarily follows that every sect or denomination is entitled to freedom of religion. It is undisputed that under Article 26(b) a denomination is entitled to manage its own affairs in matters of religion. Article 25(1) guarantees such religious freedom, however, subject to public health.

13. While the right to freedom of religion and to manage the religious affairs of any denomination is undoubtedly a fundamental right, the same is subject to public order, morality and health and further that the inclusion of such rights in Part III of the Constitution of India will not prevent the State from acting in an appropriate manner, in the larger public interest, as mandated in the Articles 25 and 26 of the Constitution of India, as has been held in AIR 2016 SC 209:2016 2 SCC 725 (Adi Saiva Sivachariyargal Nala Sangam Vs. Government of Tamil Nadu).

14. Following the above decisions and the



W.P.No.6185 of 2021

fundamental rights guaranteed under the Constitution of India to the Citizens, in the opinion of this Court, there is no need to get prior permission from any authority for assembling and conducting prayers in a dwelling place without causing nuisance or disturbance to others and without causing hindrance to the general public. It is the duty of the authorities to safeguard the protection of every citizen of this Country to practise constitutional rights guaranteed under the Constitution of India. However, in a civilized Society in the name of religion, activities, which disturb others, in any manner and for bona fide reasons, cannot be permitted and hence, if there is any nuisance caused due to noise pollution or for any other bona fide reasons, it is always open to the authorities to take necessary action under the provisions of the relevant statutes. But, before resorting to any action, the authorities, on the basis of concrete evidence, should arrive at a subjective satisfaction that there exists infringement of a right of others, under the Constitution of India, to enforce public order.

15. In view of the fundamental right guaranteed to the Citizens under our Constitution, viz. freedom of conscience and the right freely to profess, practise and



W.P.No.6185 of 2021

WEB COPY

propagate religion, which right is not restricted or prohibited to a particular locality or religion, the impugned order is against the fundamental rights conferred under the Constitution of India and hence, it is illegal, unconstitutional and liable to be quashed.”

5. In view of the above, the impugned order passed by the second respondent dated 07.02.2020 is quashed. The respondents 1 to 5 are restrained from interfering with the petitioner's conducting prayer in the house of the petitioner and his family members and his relatives situated at Door No.15 Venkateswara Nagar Extension, Near Meenakshi Nagar Bus Stop Kanakkampalayam Post, Tiruppur on condition that the Petitioner shall ensure that conducting of such prayers would not in any way cause any hindrance or disturbance to the general public. It is also made clear that it is open to the Authorities concerned to take necessary action under the provisions of the relevant statutes, in accordance with law, in the event of any nuisance being caused due to noise pollution or for any other bona fide reasons, while conducting such prayers.



W.P.No.6185 of 2021

WEB COPY

6. With the above observations, this writ petition stands allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

12.06.2024

Neutral citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order
lok



W.P.No.6185 of 2021

WEB COPY

To

- 1.The District Collector,
Tiruppur
- 2.The Revenue Divisional Officer,
O/o Revenue Divisional Officer,
Tiruppur
- 3.The Subdivisional Administrative Mediator/Officer,
O/o Revenue Divisional Officer,
Tiruppur
- 4.The Inspector of Police,
Perumanallur Police Station,
Tiruppur



WEB COPY



W.P.No.6185 of 2021

G.K.ILANTHIRAIYAN, J.

lok

W.P.No.6185 of 2021

12.06.2024