



W.P(MD)No.16376 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16376 of 2020

and

W.M.P.(MD)Nos.13687 and 13689 of 2020

Irudhayadasan

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Kanyakumari.

2.The Superintendent of Police,
Office of the Superintendent of Police,
Kanyakumari District,
At Nagercoil.

3.The Sub Collector,
Padmanabhapuram,
Kanyakumari District.

4.The Assistant Director,
Town Panchayats,
Nagercoil,
Kanyakumari District.

5.The Thasildar,
Killiyoor Taluk,
Killiyoor,
Kanyakumari District.



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6. The Inspector of Police,
Karungal Police Station,
Karungal,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 1st respondent vide his proceedings in Pa.Mu.C3/28507/2015, dated 09-07-2020 and quash the same as illegal and consequently forbearing the respondents No.1 to 6 from interfering into the Prayer Sessions and performance of the religious rituals conducted in the petitioner's building in Survey Nos.98A, 98/5 and 96/2 situated at Pudhuvalavu Jebaveedu, Inigo Nagar, Melakurumpanai, Keezhmidalam “Aa” Village, Palapallam Town Panchayat, Kanyakumari District within the time stipulated by this Court.

For Petitioner : Mr.G.Anto Prince

For Respondents : Mr.T.Vilavankothai,
Addl. Govt. Pleader for R1, R3 to R5.
Mr.A.Albert James,
Govt. Advocate for R2 & R6.

ORDER

Heard both sides.



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2. When the matter was taken up for hearing, the learned counsel for the petitioner submitted that this writ petition was heard along with W.P.(MD)No.16459 of 2020. While the other writ petition was disposed of with certain directions, no order appears to have been passed in the present writ petition. The learned Judge who heard the writ petition had already retired and that is how, it came to be listed before this Court.

3. W.P.(MD)No.16459 of 2020 was disposed of in the following directions:-

“19. As a consequence of the setting aside of the impugned order the following directions are issued:

(i) The first respondent is directed to hold an enquiry and process the application said to have been filed by the petitioner by providing an opportunity of personal hearing to him and also hear any officials in order to help him to grapple with the issue for his comprehensive understanding before a conclusion is reached, while processing of the application of the petitioner.

(ii) The first respondent in the process may also call for reports from the officials concerned more particularly from the officer in charge of maintenance of law and order.



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(iii) While considering the request, in the opinion of the first respondent, any conditions to be imposed on the proposed activities of the petitioner in order to ensure no public peace or order is to be disturbed, such conditions as it deemed to be fit and proper may form part of permission, if to be granted.

(iv) The first respondent is directed to pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.”

4. The case of the petitioner is that there is absolutely no objection from any quarter. I am therefore inclined to adopt the very same approach adopted in W.P.(MD)No.16459 of 2020. This writ petition is allowed on the same lines. No costs. Consequently, connected miscellaneous petitions are closed.

05.01.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias



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WEB COPY

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G.R.SWAMINATHAN, J.

ias

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