



W.P.Crl.No.1503 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2025

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

W.P.(Crl.)No.1503 of 2025
and W.P.M.P.(Crl)Nos.732 & 733 of 2025

V.Jacob

... Petitioner

Vs.

1. The District Collector,
Tiruppur District, Tiruppur.
2. The Superintendent of Police,
Tiruppur District,
Tiruppur.
3. The Revenue Divisional Officer,
Dharapuram, Tiruppur District.
4. The Tahsildar,
Dharapuram Taluk, Tiruppur District.
5. The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.

... Respondents

PRAYER: Writ Petition (Criminal) is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus or direction in the nature of writ, to call for the records of the entire proceedings in the impugned order passed by the 2nd respondent dated 28.06.2022 in C.No.:G1/E.2651704/293/22 quash the same and direct the respondents not to interfere with the peaceful conducting of prayer in the



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house of the petitioner, along with his family members and relatives, situated in Plot No.149-A of Arasu Paniyalar Nagar, Kuppuchipalayam, Nanjiyampalayam Post, Dharapuram, Tiruppur District.

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.S.Santhosh
Government Advocate (Criminal Side)

ORDER

The Writ Petition (Criminal) has been filed seeking to quash the impugned order passed by the 2nd respondent dated 28.06.2022 in C.No.:G1/E.2651704/293/22 and to direct the respondents not to interfere with the peaceful conduct of prayer in the house of the petitioner, along with his family members and relatives, situated in Plot No.149-A of Arasu Paniyalar Nagar, Kuppuchipalayam, Nanjiyampalayam Post, Dharapuram, Tiruppur District.

2. Mr.S.Santhosh, learned Government Advocate (Criminal Side), takes notice on behalf of the respondents. In view of the consent expressed by the learned counsel on either side, this Writ Petition (Criminal) is taken up for final disposal at the admission stage itself.

3. The submissions made by the learned counsel appearing for the petitioner are as follows:-



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3.1. The petitioner, who belongs to the Christianity, has been conducting prayers for the past 12 years in his residence situated at Plot No.149-A, Arasu Paniyalar Nagar, Kuppuchipalayam, Nanjiyampalayam Post, Dharapuram, Tiruppur District, every Sunday between 9.30 a.m. and 01.00 p.m., along with his family members and relatives, in a peaceful manner.

3.2. While so, one Sivaraj and four others started objecting to the prayers conducted in the petitioner's residence and gave a complaint to the fifth respondent. Based on the said complaint, the fifth respondent police orally directed the petitioner not to conduct prayers in his house. Consequently, the petitioner made a representation to respondents 2 and 3 requesting them to take appropriate action in this regard.

3.3. The petitioner had earlier filed a petition before this Court in W.P.No.10426 of 2022 seeking adequate police protection to conduct prayer on week off days in his residence. This Court, vide order dated 28.04.2022, directed the second respondent to consider the petitioner's representation dated 08.12.2021 and pass orders. Thereafter, the petitioner has been conducting the prayer without causing any disturbance to general public.



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3.4. However, the second respondent, by the impugned order dated 28.06.2022 in C.No.:G1/E.2651704/293/22, directed the petitioner to obtain prior approval /license/permission from the authorities concerned under prescribed rules for conducting prayer in his house.

3.5. Subsequently, in the petition filed by the objectors, who had objected to the prayers conducted in the petitioner's residence, before this Court in Crl.O.P.No.8517 of 2022, the learned Additional Public Prosecutor, who appeared for the Sub-Divisional Magistrate-cum-Revenue Divisional Officer, Dharapuram, Tiruppur District, reported that there was no law and order problem existing near the petitioner's house. However, based on the order passed by the second respondent in C.No.:G1/E.2651704/293/22 dated 28.06.2022, the petitioner has been prevented by the respondents from conducting prayers.

3.6. In view of various decisions of different High Courts and the Hon'ble Supreme Court and also in the light of Article 25(1) of the Constitution of India, there is no requirement to get prior permission from any authority for conducting prayers in such places along with family members and relatives. Therefore, the petitioner has filed the present petition seeking the relief as stated above.



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4. Learned Government Advocate (Criminal Side) submitted that no religion prescribes that prayers should be performed in a manner disturbing the peace of others and that it is always open to the authorities concerned to take necessary action under the provisions of the relevant statutes in the event of any nuisance being caused due to noise pollution or for any other bona fide reasons or if any law and order problem is created while conducting such prayers and only to avert any such situation, such an order has been passed. He further submitted that since the petitioner had not obtained any permission from the local authority, the respondents have objected to the same.

5. In reply, the learned counsel for the petitioner submitted that the premises in question is neither a prayer hall nor a church, but only a residential house and that the Courts have repeatedly held that no permission is required for conducting prayer in residences.

6. Heard the learned counsel appearing on either side, perused the materials available on record and this Court has carefully considered the provisions of the relevant statutes as well as various decisions of different High Courts and the Hon'ble Supreme Court in this regard.



7. The specific case of the petitioner is that the prayers are being conducted in his residence and the prayers are attended only by the petitioner, his relatives and friends belonging to the same community. It is the further case of the petitioner that such prayers do not cause any nuisance or hindrance to others residing in the locality and no loudspeaker or sound system is used for conducting the said prayers. However, on the basis of unfounded complaints, the petitioner has been prevented from conducting prayers. It is also pertinent to note that the place where the prayers are being conducting is neither a public place nor a prayer hall, but only the residential house of the petitioner.

8. In W.P.(MD)No.710 of 2019 filed by a person similarly placed as that of the petitioner, this Court, by relying on the earlier orders of this Court passed in similar circumstances, vide order dated 11.01.2019, has held as follows:

“14. Following the above decisions and the 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.”

(emphasis supplied)

9. In view of the above, this Court does not find any reason as to why the petitioner should not be permitted to conduct such prayers in his own residence.

10. Accordingly, this Writ Petition (Criminal) stands allowed and the impugned order dated 28.06.2022 in C.No.:G1/E.2651704/293/22 is quashed. The respondents are directed not to interfere with the petitioner’s right to conduct prayers along with relatives and friends at his residence situated at Plot No.149-A of Arasu Paniyalar Nagar, Kuppuchipalayam, Nanjiyampalayam Post, Dharapuram, Tiruppur District.



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11. The petitioner shall ensure that these prayers do not, in any manner, cause any hindrance to the general public or give rise to any law and order problem. No costs.

12. Consequently, the connected miscellaneous petitions are closed.

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Neutral Citation: Yes/No



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To

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1. The District Collector,
Tiruppur District, Tiruppur.
2. The Superintendent of of Police,
Tiruppur District,
Tiruppur.
3. The Revenue Divisional Officer,
Dharapuram, Tiruppur District.
4. The Tahsildar,
Dharapuram Taluk, Tiruppur District.
5. The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.
6. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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