

W.P(MD)No.13694 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.13694 of 2024

and

W.M.P(MD)No.12059 of 2024

R.Vasantha Kumar

... Petitioner

Vs

- 1.The District Collector,
Nagercoil,
Kanyakumari District.
- 2.The Sub Collector,
Padmanabapuram, Revenue Division,
Thuckalay,
Kanyakumari District.
- 3.The Tahsildar,
Thiruvattar Taluk,
Thiruvattar,
Kanyakumari District.
- 4.The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.
- 5.Deva Dhasan

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 to 3 from conducting church service and prayer meeting in the house property of the fifth respondent at Door No.12/82, Nediyan kodu, Poolanthottanthan Vilai, Kattathurai Post, Kanyakumari District.



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For Petitioner : Mr.C.K.M.Appaji
For RR 1 to 3 : Mr.D.Gandhi Raj
Special Government Pleader
For R – 4 : Mrs.M.Aasha
Government Advocate (Crl. Side)
For R – 5 : Mr.S.C.Herold Singh

ORDER

This Writ Petition has been filed by the petitioner forbearing the respondents 1 to 3 from conducting church service and prayer meeting in the house property of the fifth respondent at Door No.12/82, Nediyan kodu, Poolanthottanthan Vilai, Kattathurai Post, Kanyakumari District.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The case of the petitioner is that the fifth respondent is a resident of Poolanthottam and his house is located just 30 meters away from the Temples. The fifth respondent converted his house into a Church and started Church services. The petitioner

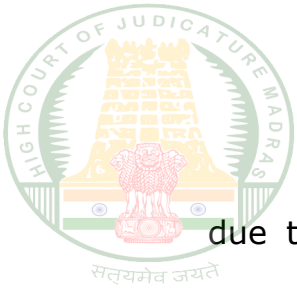


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submitted a representation before the respondents 1 to 4 and based on the said representation, the third respondent initiated proceedings under Section 107 of Cr.P.C and directed the parties to attend the peace committee meeting in the fourth respondent Police Station on 15.11.2021 and the fifth respondent gave an undertaking that he will not carry on any Church activities in his house. While so, during April, 2022, the fifth respondent started Church construction work in his property unauthorisedly and conducted Church service and prayer meeting.

4.The learned counsel appearing for the fifth respondent would submit that the fifth respondent is offering prayer at his residence without causing any hindrance to the general public and no public worship is being conducted.

5.This Court in the similar Writ Petitions allowed the petitioner therein to conduct prayer in the house without causing any hindrance or disturbance to the general public. In view of the above, there is no need to get any prior permission from any authority to assemble and conduct prayer in the dwelling house of the fifth respondent. However, if there is any nuisance being caused



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due to noise pollution or for any other *bona fide* reasons to the general public, it is always open to the respondents 1 to 4 herein to take appropriate action in accordance with law against the petitioner. It is also made clear that the fifth respondent is hereby restrained from conducting church service and prayer meeting in the house property of the fifth respondent at Door No.12/82, Nediyan kodu, Poolanthottanthan Vilai, Kattathurai Post, Kanyakumari District.

6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

09.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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G.K.ILANTHIRAIYAN, J.

ps

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