

(2013) 08 KAR CK 0171

In the Karnataka High Court

Case No : Writ Petition No. 32060 of 2013 (GM-RES/PIL)

Pastor Annaiah

APPELLANT

Vs

The State of Karnataka and Others

RESPONDENT

Date of Decision : 05-08-2013

Acts Referred:

Constitution of India, 1950 — Article 225, 25

Citation : (2013) 4 AKR 514

Hon'ble Judges : Ravi Malimath, J;K.L. Manjunath, J

Bench : Division Bench

Advocate : S. Nova Bethania, for the Appellant; R. Devadas, AGA, for the Respondent

Final Decision : Disposed Off

Judgement

K.L. Manjunath, J.—Heard the learned counsel for the petitioner and the learned Government Advocate for respondents. According to the petition averments, the petitioner is a pastor of "Zion Prayer Church". He has filed this petition in his individual capacity and also on behalf of the entire Christian community of Hassan District, contending that they have not been allowed to practice their religion without causing hindrance to other people.

2. According to him, there is a church by name "Zion Prayer Church", affiliated to "Believer Church" of Yadapadvan Village, Zipper Post, South Kanara, Mangalore, which church is in existence for last 10 years with 350 people of Christian community situated in Naraspura Village, Rajannashrilyur Post, Halebeddu Hobli, Belur Taluk, Hassan District.

3. According to him to profess, practice and propagate his religion of choice; is right a guaranteed under Article- 25 of the Constitution of India. Though he conduct prayers as well as teach Bible in a rented premises and also in the church premises without causing hindrance to neighbors, the revenue authorities along with Police are preventing the people from practicing their religion and a

notice has been issued by the Tahsildhar to remove the structure in existence as per Annexure-A to H1. Therefore, the petition is filed to direct the respondents not to interfere with the religious worship in "Zion Prayer Church" or any other rented prayer hall in the Narasipura Village, Halebeedu Hobli, Belur Taluk, Hassan District and also to issue directions to investigate into the incident occurred on 26.06.2013, on which date the thatched shed constructed by the petitioner has been burnt to ashes.

4. The learned Government Advocate submits that the revenue and the police authorities have not interfered with the rights of the petitioner in practicing his religion. According to him, unauthorized construction was put up by the petitioner in survey No. 181, of Rajana Siriyuru Village, which is a Government land reserved for grazing purpose. Without there being any grant in his favour, no temporary structure could be put up by him. In such circumstances, Annexure-A to H1 have been got issued by the Tahsildhar and this Court cannot quash the same. Accordingly, said prayer is rejected.

5. So far as the first prayer is concerned, as long as the petitioner is practicing his religion or worship in "Zion Prayer Church" without causing hindrance to the public, either the revenue authorities or the police authorities cannot interfere with the same.

6. However under the guise of practicing, the petitioner cannot be permitted to indulge in any unlawful activity. As long as the petitioner practices his religion without causing nuisance to the public or neighbors or villagers, the respondent shall not interfere. If any unlawful activities are being carried, the authorities are at liberty to take action in accordance with law.

It is needless to state that in view of Article- 25 of the Constitution of India, a person is having freedom to practice and propagate his own religion subject to public order, morality and health and other provisions of the said part of the Constitution of India, because all persons are entitled for freedom of conscience and to practice and propagate their own religion. Therefore, if any restrictions are imposed by the Government officials, if any act of any persons affects the public under Article- 225, this Court cannot interfere with the same.

With the above observations, the writ petition is disposed off.