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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :30.10.2015

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD).No.18531 of 2015

and

M.P(MD)No.1 of 2015

R.P.Ramesh

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Superintendent of Police,
Dindigul District,
Dindigul.

3.The Tahsildar,
Dindigul West Taluk,
Dindigul.

4.The Inspector of Police,
Reddiarchatram Police Station,
Dindigul District.

... Respondents

This Writ Petition has been filed under Article 226 of Constitution of India praying for a Writ of Mandamus, directing the first respondent to grant permission to the petitioner to construct a Church building in Survey Nos.441/8A, 8B, 8C, 8D, 8E & 8F situated at Thammanampatti Pirivu, Kannivadi Main Road, Kamatchipuram Village, Reddiarchathiram Post, Dindigul West Taluk, Dindigul District within a time frame that may be stipulated by this Court.

For petitioner : Mr.K.Samidurai

For Respondents : Mr.S.Kumar

Addl. Govt. Pleader

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus, directing the first respondent to grant permission to the petitioner to construct a Church building in Survey Nos.441/8A, 8B, 8C, 8D, 8E & 8F situated at Thammanampatti Pirivu, Kannivadi Main Road, Kamatchipuram Village, Reddiarchathiram Post, Dindigul West Taluk, Dindigul District.

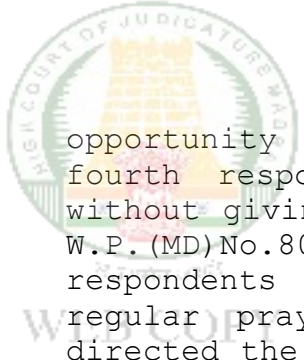
2. Mr.S.Kumar, learned Additional Government Pleader takes notice for the respondents.

<https://hcservices.ecourts.gov.in/hcservices/>

3. By consent, this Writ Petition itself is taken up final disposal.



4. In the affidavit filed in support of the Writ Petition, it has been averred that the petitioner is a Pastor of the Pentecostal Mission, which is registered under Section 10 of the Tamil Nadu Societies Registration Act, 1975 and its registration number is 19 of 1963. It is headquartered at S.V.Nagar, Irumbuliyur, Chennai. The Pentecostal Church has various branches all over India and in other countries. The Pentecostal Mission purchased 0.39.5 hectares (98 cents) of land in Survey Nos.441/8A, 8B, 8C, 8D, 8E & 8F situated at Kamatchipuram Village, Kannivadi Sub-Division for consideration vide a registered Sale Deed No.1744, dated 20.08.2010. All revenue records including patta were transferred to the Pentecostal church and it regularly pays necessary revenue tax to the Governemnt. The said land is situated approximately $\frac{1}{2}$ kilometer away from the residential area of Kamatchipuram Village and its presence and conduct of regular prayer meetings do not pose any disturbance to the general public. They have raised a temporary structure with asbestos roofs in order to conduct prayer meetings. They have also erected wire fencing around the land. Two nuns and the petitioner are staying in the place to render service to the members of the church. Nearly 20 families are members in the Church and they hail from villages in and around Reddiarchathram, Kannivadi and Pudukkottai. The members have joined the petitioner's Church on their own and they do not entertain any forceful conversion. The petitioner submitted a petition to the first respondent to grant permission to construct a permanent Church building on 26.09.2012 through the President, Kamatchirpuam, Village Panchayat, who passed a resolution and sent the same to the Block Development Officer to be sent to the first respondent for appropriate action. But the first respondent has not taken any steps, in spite of the repeated reminders on various dates both in person as well as in writing. While so, some of the local from the neighbouring villages are causing continuous disturbance and gave complaints to the respondents. Therefore, the third respondent convened a peace committee meeting on 25.02.2014 in the presence of his subordinates, the fourth respondent and the representatives of the Church. It was decided in the meeting that the status quo had to be maintained and another meeting would be convened to arrive at a final decision. Therefore, they continued conducting regular prayer meetings in the temporary structure situated in the patta land. When the said members came to the Church on 20.04.2015, they were pelted stones by the assailants and some of the members sustained injuries. Hence, a complaint was lodged with the fourth respondent. The fourth respondent did not take any action. In the meanwhile, on 27.04.2014 during a weekly prayer, the assailants came to the Church around 11.00 a.m., and started pelting stones and asked the petitioner to disburse from the Church. Immediately, the petitioner contacted the District Collector, Deputy Inspector General of Police and Superintendent of Police over phone and sought their immediate intervention and action against the said persons. The fourth respondent came to the Church and forcefully chased the petitioner from the Church premises. Though he was fully aware of the situation, he registered a case in Cr.No.63 of 2014 under Sections 143, 153 and 188 IPC against the petitioner based on the complaints given by the assailants and then registered a case in Cr.No.64 of 2014 under Sections 147, 294(b) IPC r/w Section 3(5) TNP (PDL) Act against the assailants based on the petitioner's complaints. While so, the third respondent came on 27.04.2014 at 5.00 p.m., and sealed the campus without assigning any reason and without giving any show cause notice or an



opportunity of being heard. The third respondent with the aid of the fourth respondent forced the petitioner to vacate the premises even without giving time to take the belongings. In fact, the petitioner filed W.P.(MD)No.8093 of 2014 before this Court praying for a direction to respondents 1 to 4 to provide adequate police protection to conduct regular prayer meetings in the petitioner's patta lands. This Court directed the petitioner to apply for proper permission to the respondents. Aggrieved over the same, the petitioner filed an appeal in W.A(MD)No.1500 of 2014 before the Division Bench, but the Division Bench upheld the order in the writ petition. The petitioner made representations on various dates to the first respondent and others to grant permission to raise a church building and to allow the petitioner to conduct regular prayer meetings in the temporary church building for the time being. The first respondent did not take any action. In fact, the petitioner submitted a petition on 26.09.2012 to the first respondent to grant permission to construct a permanent church building through the President, Kamatchipuram Village Panchayat, who passed a resolution and sent the same to the Block Development Officer to be sent to the first respondent for appropriate action. The first respondent has not taken any steps on the petitioner's representation. While so, The Chairman, Tamil Nadu State Minority Commission visited the petitioners place on 24.06.2015 along with Deputy Collector and respondents 2 to 4. Just before the arrival of the Chairman, the Village Administrative Officer abruptly broke open the sealed lock on the instruction of the third respondent to show the Chairman as if they have not disturbed in the conducting of the petitioner's regular prayer meetings. The petitioner made a representation dated 10.06.2015 and 15.07.2015 to the first respondent to take appropriate action on the representation. But the first respondent did not initiate any action till date. Hence, the petitioner has filed this writ petition to grant permission to the petitioner to construct a church building in Survey Nos.441/8A, 8B, 8C,8D, *E & 8F situated at Thammanampatti Pirivu, Kannivadi Main Road, Kamatchipuram Village, Reddiarchathiram Post, Dindigul West Taluk, Dindigul District.

5. When the matter was taken up for consideration, the learned counsel appearing for the petitioner invited the attention of this Court to the communication sent by the District Collector, dated 20.03.2015 to the Assistant Director of Panchayats and submitted that the first respondent has already sent a communication dated 20.03.2015 to the authorities concerned to send a report with regard to granting of permission to the petitioner to construct a Church in the subject matter of the property. Thereafter, till date, no action was taken. In view of the delay in granting permission, the petitioner is facing several problems, thus he sought for a writ of mandamus directing the first respondent to grant permission to construct a Church building.

6. Considering the facts and circumstances of the case, without going into the merits of the case, this Court directs the first respondent to expedite the process with regard to the granting of permission to construct a Church building in Survey Nos.441/8A, 8B, 8C,8D, *E & 8F situated at Thammanampatti Pirivu, Kannivadi Main Road, Kamatchipuram Village, Reddiarchathiram Post, Dindigul West Taluk, Dindigul District and pass appropriate orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.



7. With the above direction, the Writ Petition is disposed of. No Costs. * Consequently, connected miscellaneous petition is also closed.

WEB COPY

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Superintendent of Police,
Dindigul District,
Dindigul.
- 3.The Tahsildar,
Dindigul West Taluk,
Dindigul.
- 4.The Inspector of Police,
Reddiarchatram Police Station,
Dindigul District.

+1cc to M/S. B.S.Meltiou, Advocate in SR.No. 64656

TS/06.11.2015/4P-6C/AN-MP/SAR II

W.P (MD) .No.18531 of 2015

30.10.2015