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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2015

CORAM

THE HONOURBLE MR.JUSTICE B.RAJENDRAN

W.P(MD).No.254 of 2013
and
M.P.(MD)Nos.1 and 2 of 2013

DICKSON SELVARAJAN .. Petitioner

Vs.

1. THE DISTRICT COLLECTOR,
KANYAKUMARI DISTRICT.

2. THE REVENUE DIVISIONAL OFFICER
O/O. THE REVENUE DIVISIONAL OFFICER,
PADMANABHAPURAM,
KANYAKUMARI DISTRICT.

3. THE EXECUTIVE OFFICER,
NEYYOOR TOWN PANCHAYAT, NEYYOOR,
KANYAKUMARI DISTRICT.

4. THE TAHSILDAR, KALKULAM TALUK,
KANYAKUMARI DISTRICT.

5. THE INSPECTOR OF POLICE,
COLACHEL POLICE STATION,
KANYAKUMARI DISTRICT.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order in ROC.A2/4026/2012 on the file of the Respondent No.2 dated 31.10.2012 and quash the same as illegal and consequently for a direction directing the Respondent No.2 not to interfere in the prayer meetings conducted in the Petitioner s house situated at Door No.7/30-1, South Street, Neyoor Post, Kalkulam Taluk, Kanyakumari District.

For Petitioner : Mr.S.Rajasekar

For R1, R2, R4 & R5 : Mr.S.Chandrasekaran
Government Advocate

For R3 : Mr.Ananth C.Rajesh

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ORDER

Heard the learned counsel for the petitioner; the learned Government Advocate appearing for the respondents 1, 2, 4 and 5 and the learned counsel appearing for the third respondent.

2. The writ petition has been filed challenging the impugned order dated 31.10.2012 passed by the second respondent in ROC.A2/4026/2012.

3. The grievance of the petitioner is that he is the owner of the house and he has put up a prayer room in his house and he is conducting prayer meeting regularly along with other neighbours. By the impugned order, the second respondent has prohibited him to conduct the prayer meeting. Therefore, the petitioner has challenged the said order.

4. Counter affidavit has been filed by the second respondent and he would only state that the impugned notice clearly states that first of all the building has been constructed only as a residential building whereas no permission has been sought for to conduct prayer meeting or any religious activity. The conversion of a house into the religious platform is not legally sustainable. Secondly, if the petitioner wants to covert his house as a prayer hall, he has to get a necessary approval from the District Collector as per G.O.Ms.No.916, Public (Law and Order) Department, dated 29.04.1986 and in view of the conversion and since it makes law and order problem in that area, notice has been issued in tune with the said Government Order. Therefore, the order is correct.

5. The learned counsel for the third respondent would contend that the petitioner without even giving explanation, straight away has come forward with this writ petition.

6. It is seen that as per G.O.Ms.No.916, Public (Law and Order) Department, dated 29.04.1986 it is a mandatory requirement that the petitioner should seek the permission of the District Collector, if he wants his house to be converted into a prayer hall. The petitioner only constructed a house after getting permission only as dwelling house and later on, if it is converted into a worship place, as per the said Government Order, the petitioner has to seek permission. Therefore, nothing wrong in the impugned order. It is only a notice calling upon the petitioner to follow the rules. Therefore, I do not find any reason to interfere with the impugned order.

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7. In the result, the writ petition is dismissed. Consequently, connected Miscellaneous Petitions are also dismissed. No costs.

Sd/-
Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar

To

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COLACHEL POLICE STATION,
KANYAKUMARI DISTRICT.

+1cc to Mr.T.Lajapathi Roy, Advocate Sr.No. 2795
+1cc to Spl.Government Pleader Sr.No. 3018
+1cc to Mr.Ananth C.Rajesh,Advocate Sr.No. 2744
Rj2
AA/14.02.2015/3p- 9c/

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