

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.04.2016

Coram

The Hon'ble Mr. Justice T.S. Sivagnanam

Writ Petition No.1632 of 2016

Bethel Missions of India,
rep. by its Trustee,
L. Johnwesly

...Petitioner

Vs.

1. The Collector,
Villupuram, Villupuram District.

2. The Assistant Director (Panchayat)
Villupuram, Villupuram District.

3. The President,
Kanai Panchayat,
Villupuram, Villupuram District.

....Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the third respondent to issue suitable order in compliance of second respondent's letter, dated 02.12.2014.

For Petitioner : Mr. S. Gopinathan

For Respondents 1 & 2 : Mr. R. Rajeswaran

Special Government Pleader

For Respondent - 3 : Mr. S. Silambuselvan

O R D E R

Heard the learned counsel appearing for the parties.

2. The petitioner, which claims to be an Organization, has established a prayer house in the area, in question, and stated to be conducting prayers. However, it appears that no prior licence was obtained by the petitioner before establishing the prayer hall. In the typed-set of papers, filed along with this Writ Petition, the petitioner has not enclosed any copy of the licence issued by the competent authority, and except a document, dated 02.12.2014, by which, the second respondent had issued certain directions to the third respondent/Panchayat to

consider the matter relating to establishment of prayer hall and pass a resolution on the request made by the petitioner, all other documents, are all communication sent by the petitioner to the third respondent/Panchayat.

3. The third respondent/Panchayat has filed a counter affidavit, stating that the Village consists of about 980 families, and there are several communities, and they are living in harmony. It is stated that the petitioner is running a Church to conduct mass prayer by inviting large number of persons, and they are cone speakers with boisterous voice, and this has caused problems in the Village, as the Village consists of people belonging to other community also. The third respondent would state that, in utter disregard to the convenience of others in the Village, the petitioner was conducting the prayer meeting using loud speakers creating high disabled noise. Opposite to the prayer hall, it is stated that there is a Hindu Temple, and the establishment of prayer hall, nearby the Hindu Temple has caused serious communal problems, hence, a peace committee has been organized by the Tahsildar in the presence of Revenue Inspector and Village Administrative Officer, pursuant to which, a meeting was held on 23.02.2013, at Tahsildar Office, Villupuram, and six resolutions were passed. Therefore, the third respondent has taken stand in the counter affidavit that he along with all six members has taken a decision and passed the resolution rejecting the plea made by the petitioner.

4. In the light of the above, the relief sought for in this Writ Petition cannot be granted. Accordingly, the Writ Petition is dismissed with a direction to the third respondent to communicate the order of rejection to the petitioner by a registered post with acknowledgment due within a period of three weeks from the date of receipt of a copy of this order. It is open to the petitioner to question the said order of rejection before appropriate forum in the manner known to law, if so advised. Consequently, connected Miscellaneous Petition is closed. No costs.

sd

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Collector,
Villupuram, Villupuram District.

2. The Assistant Director (Panchayat)
Villupuram, Villupuram District.

3. The President,
Kanai Panchayat,
Villupuram, Villupuram District.

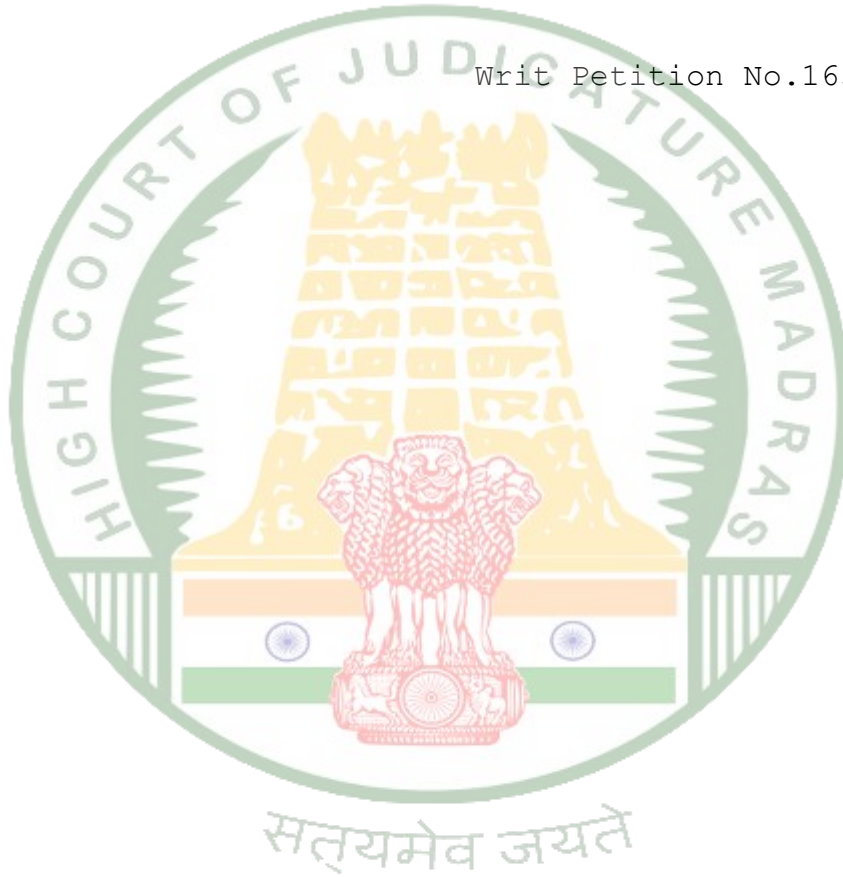
+ 1 cc to M/s.S.Gopinathan, Advocate SR 20694

+ 1 cc to M/s.Silambuselvan, Advocate, SR 20632

+ 1 cc to Govt.Pleader, High Court, Madras SR 20896

mp(co)
prk22/4

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