

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 01.11.2019
CORAM
THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU
W.P. No. 3721 of 2018
and
W.M.P. No. 4533 of 2018

S.R. Sunitha Jasmin

... Petitioner

-vs-

1. The District Collector,
Tiruppur District,
Tiruppur.
2. The Revenue Divisional Officer,
Tiruppur District,
Tiruppur.
3. The Tahsildar,
Dharapuram Taluk,
Tiruppur District.
4. The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the Respondents from interfering with the Petitioner's right to conduct of religious prayer meeting in S. Nos. 357 and 358/1 part at Old Door No. 54, New No. 56D, Kuruku Theru, Natchi Phudur, Dharapuram Taluk, Chitravathanpalayam, Tiruppur District.

For Petitioner : Mr. D. Padmanabhan for
Mr. P. Subramanian

For Respondents: Mr. M. Karthikeyan,
Additional Government Pleader

O R D E R

Heard Mr. D. Padmanabhan, Learned Counsel appearing for the Petitioner and Mr. M. Karthikeyan, Learned Additional Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed to forbear the Respondents from interfering with the right of the Petitioner to conduct religious prayer meeting at Old Door No. 54, New No. 56D, Kuruku Street, Natchi Phudur, Dharapuram Taluk, Chitravathanpalayam, Tiruppur District.

3. Learned Additional Government Pleader appearing for the Respondents submits that that prior approval from the District Collector under Rule 6(4) of the Tamil Nadu District Municipalities Building Rules, 1972, is required to use any premises for public worship or religious purpose and that the same has not been obtained by the Petitioner for conducting religious prayer meetings. In support of that contention, Status Report dated 01.11.2019 has been filed by the First Respondent, stating as follows:-

"4. I submit that in obedience to the order of the Hon'ble High Court Madras, in this regard I authorized the Sub Collector, Dharapuram to inspect the subject premises and to ascertain whether the same is used for any public worship or religious purpose requiring approval of the District Collector under Rule 6(4) of the Tamil Nadu District Municipalities Building Rules, 1972.

5. I submit that the Sub Collector, Dharapuram on inspecting the subject building reported that the Petitioner is the trustee of "DHARAPURAM PENTECOSTAL ASSEMBLY GOSPEL TRUST". During the inspection it was found that in S.F. Nos. 357 & 358/1 the Petitioner has constructed a building which is attached to the existing building in S.F. No. 358/1 owned by "INDIAN PENTECOSTAL ASSEMBLY". The hall owned by "INDIAN PENTECOSTAL ASSEMBLY" and the stage structure built in Petitioner's land are both used for conducting prayer on every Sunday and other special occasions, Hence Petitioner is using above mentioned buildings for public worship for religious purpose whether around 150 members are participating.

7. I submit that it is ascertained from the report of the Sub Collector, Dharapuram that the subject building is being used for public worship for religious purpose

and have not yet obtained permission and it is requiring approval of the District Collector under Rules 6(4) of the Tamil Nadu District Municipalities Building Rules, 1972. Further, the Petitioner has neither got any permission nor filed application for seeking permission. I am submitting the copy of the report submitted by the Sub Collector, Dharapuram for kind perusal of this Hon'ble High Court and prayed to pass order as deemed fit."

The Petitioner has not produced the requisite permission and in the absence thereof, she cannot be entitled to the relief sought in the Writ Petition, which has the effect of preventing the police personnel from discharging their lawful public duty.

4. It is a well settled legal position that a mere contemplation or possibility that a right may be infringed without any legitimate basis for that right, would not give rise to a cause of action. In such circumstances, the question of granting the relief sought by the Petitioner in the Writ Petition does not arise for consideration. In view of the aforesaid legal position coupled with the facts of this case, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition and he has made an endorsement to that effect, which is recorded.

5. Accordingly, the Writ Petition is dismissed as withdrawn. This would not, however, preclude the Petitioner, on satisfying the prescribed conditions, from applying for approval from the District Collector under Rule 6(4) of the Tamil Nadu District Municipalities Building Rules, 1972, to conduct religious prayer meetings in the premises in accordance with law. Consequently, the connected Miscellaneous Petition is closed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
Tiruppur District,
Tiruppur.

2. The Revenue Divisional Officer,
Tiruppur District,
Tiruppur.

3. The Tahsildar,
Dharapuram Taluk,
Tiruppur District.

4. The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.

+1 cc to government Pleader sr91111

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