

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Tuesday, the Thirteenth day of August Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE P.D.AUDIKESAVALU

WP No.9507 of 2019

R.RANGASAMY

[PETITIONER]

Vs

1 THE DISTRICT COLLECTOR,
COIMBATORE DISTRICT,
COIMBATORE COLLECTORATE,
COIMBATORE 641 018.

[RESPONDENTS]

2 THE REVENUE DIVISIONAL OFFICER,
COIMBATORE DISTRICT, COLLECTOR OFFICE
BUILDING, COIMBATORE 641 018.

3 THE THASILDR,
ANNUR TALUK, COIMBATORE 641 653

4 THE SUPERINTENDANT OF POLICE,
COIMBATORE CENTRAL, COIMBATORE 641 018.

5 THE INSPECTOR OF POLICE,
ANNUR POLICE STATION, ANNUR, COIMBATORE
DISTRICT 641 653

Writ petitions under article 226 of the Constitutions of India praying that in these circumstances stated therein and in the respective affidavits filed their with the High Court will pleased to issue a writ, order or direction in the nature of writ of mandamus forbearing the respondents from interfering with the petitioners right to conduct of religious prayer meeting at Kanjappali Villaage in S.No.242 New No.752/ 13, Patta No.8404 /98 / Aa 3, at Door No.10, Perumal Koil Street, Kanjappali, Annur Post, Coimbatore District -641 653 in WP.NO.9507 OF 2019.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.P.SUBRAMANIAN, Advocate for the petitioner and of MR.M.KARTHIKEYAN, ADDITIONAL GOVERNMENT ADVOCATE on behalf of the Respondents the court made the following order:-

This Court during the previous hearing on 20.06.2019, passed the following order:-

"Learned Additional Government Pleader appearing for the Respondents submits that having regard to the nature of relief sought in the Writ Petition, the Petitioner has to comply with the requirement of Rule 6(4) of the Tamil Nadu District Municipalities Building Rules, 1972, which reads as follows:-

"(4) No site can be used for the construction of a building intended for public worship or religious purposes, without the prior approval, of the Collector of the District who may refuse such approval, if in his opinion, the use, purpose of the site and building is likely to endanger public peace and order.

Provided that an appeal shall lie against the Collector's decision to the Government who may issue such orders as they deem fit."

As the aforesaid requirement is a statutory necessity, the Petitioner shall produce a copy of such approval if already obtained, and in the event such approval has not been obtained so far, it is open to the Petitioner to make an application for the same and furnish details so as to ascertain its status from the First Respondent. On the contrary, if it is the contention of the Petitioner that the aforesaid requirement is not applicable, the Petitioner shall file an affidavit explaining the reasons for the same.

Post the matter under the caption 'Requirement of approval of District Collector for use of building for public worship and religious purposes' on 13.08.2019."

2. Learned Counsel for the Petitioner states that the Petitioner has obtained planning permission for residential purpose of the property, which would suffice and no separate permission is required for conduct of prayers relying on certain decisions passed by this Court.

3. The First Respondent or any official working under him duly authorized in this regard shall inspect the premises of the Petitioner 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, and an affidavit to that effect shall be filed by the First Respondent before the next hearing.

Post the mater under the caption 'Requirement of approval of District Collector for use of building for public worship and religious purposes' on 03.10.2019.

-sd/-
13/08/2019
/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT COLLECTOR,
COIMBATORE DISTRICT, COIMBATORE COLLECTORATE,
COIMBATORE 641 018.

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DISTRICT 641 653

C.C. to M/S.P.SUBRAMANIAN Advocate on payment of necessary charges

The Government Advocate, High Court, Madras - 104.

Order

in
WP.9507/2019

Date :13/08/2019

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VC (19/08/2019)