

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2019

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 20099 of 2019

and

W.M.P. No. 19568 of 2019

T. Keerthi Paul

... Petitioner

-vs-

1. The District Collector,
Coimbatore District,
Coimbatore.

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

3. The Tahsildar,
Pollachi Taluk,
Coimbatore.

4. The Inspector of Police,
Pollachi Town Police Station,
Pollachi,
Coimbatore 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 at Suleeswaran Patti Village in S. Nos. 97 & 98, at Door No. 26, Kottur Road, Vanjipuram Pirivu, Suleeswaran Patti, Pollachi, Coimbatore District.

For Petitioner : Mr. D. Padmanabhan

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

O R D E R

Heard Mr. D. Padmanabhan, Learned Counsel 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 Door No. 26, Kottur Road, Vanjipuram Pirivu, Suleeswaran Patti, Pollachi, Coimbatore 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 Respondents, stating as follows:-

"3. I submit that in obedience to the order of the Hon'ble High Court Madras in W.P. No: 20099/2019 dated: 13.08.2019, I have authorized by the First Respondent 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 Buildings Rules, 1972, since the subject building falls under Suleswarapatti Town Panchayat vide Na. Ka. No: 19392/2019/E2 dated: 26.09.2019.

4. I further submit that the Third Respondent has inspected the subject building and known that the Petitioner is the Founder and Managing Director of M/s "BETHEL BRETHREN PRAYER CENTRE" which located in SF. No: 97 and 98 at Door No: 26, Kottur Road, Vanjiyapuram Pirivu, Suleswaranpatti, Pollachi Taluk, Coimbatore District and registered as 'TRUSTEE' vide Doc. No: 71/BK IV/2017 of Sub Registrar's Office, Pollachi. During the inspection of the Third Respondent found that the building is being used for conducting prayers for the 2 years. On Friday and Sunday of every week

and also in the third Saturday of every month, around 10-12 members of the locality are participating in the public worship or prayer organized by the Petitioner. The subject building is located in the area of newly developing layout of Suleswaranpatti Town Panchayat and it is having a boundaries of barren agricultural land in Western, Norther and Southern sides and a residential house in Eastern side respectively. No Temples, Mosques, Channels, Rivers, Tanks, Burial Ground are located near to the subject building. During the inspection, of the Third Respondent, only a single person has objected for his personal enmities and no objection was received from the majority of general public of Suleswaranpatti Town Panchayat in which the Petitioner is conducting the prayer.

5. I humbly submit that it is ascertained from the inspection and enquiry that, the subject building is being used for public worship and for religious purposes and has not yet obtained permission and it is requiring District Collector Permission under Rule 6(4) of the Tamil Nadu District Municipalities Building Rules, 1972. No Petition has filed by the Petitioner so far. In this regard, a report has been sent to the First Respondent for passing an order under the said rule by the Third Respondent vide Na. Ka. No: 3768/2019/AA2 dated:25.10.2019."

The Petitioner has not produced the requisite permission and in the absence thereof, he 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.

Sd/-

Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

vjt

To

1. The District Collector,
Coimbatore District,
Coimbatore.
2. The Revenue Divisional Officer,
Coimbatore District,
Coimbatore.
3. The Tahsildar,
Pollachi Taluk,
Coimbatore.
4. The Inspector of Police,
Pollachi Town Police Station,
Pollachi,
Coimbatore District.

+1 cc to Government Pleader Sr.No. 91113

W.P. No. 20099 of 2019

A.SK(18/11/2019)