

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2019

CORAM

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

W.P. No. 22774 of 2019
and
W.M.P. No. 22321 of 2019

Adonai Yesu Christu Alayam
Rep. by its Organiser Pastor V.M. Mohan,
East Coach Road,
Hanumanthai,
Tindivanam,
Villupuram District - 604 303.

... Petitioner

-vs-

1. The Home Secretary,
Government of Tamil Nadu,
Secretariat,
Fort St. George,
Chennai - 600 009.
2. The Director General of Police (DGP),
Office of the Director General of police,
Rajaji Salai,
Mylapore,
Chennai - 600 004.
3. The District Collector,
Office of the District Collector,
Villupuram District - 600 000.
4. The Inspector of Police,
Marakanam Police Station,
Tindivanam Taluk,
Villupuram District.
5. Baskar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the First to Fourth Respondents to allow the Petitioner to ring the bell and offering prayers and changing

the rituals at Adonay Yesu Christu Alayam at Marakkanam, Tindivanam, Villupuram District by considering the representation dated 14.03.2019.

For Petitioner : Mr. J. Harikrishna

For Respondents: Mr. M. Karthikeyan,
Additional Government Pleader
(for R1 to R4)

Notice Served for R5

O R D E R

Heard Mr. J. Harikrishna, Learned Counsel for the Petitioner and Mr. M. Karthikeyan, Learned Additional Government Pleader appearing for the First to Fourth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed to direct the First to Fourth Respondents to allow the Petitioner to ring the bell and offering prayers and changing the rituals at Adonay Yesu Christu Alayam at Marakkanam, Tindivanam, Villupuram District by considering the representation dated 14.03.2019 made by the Petitioner.

3. Learned Additional Government Pleader appearing for the Respondents submits that that prior approval from the District Collector under Rule 4(3) of the Tamil Nadu Panchayats Building Rules, 1997, 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, an affidavit dated 03.10.2019 has been filed by the First Respondent, stating as follows:-

"3. I respectfully state that in compliance of the High Court Order, in G.O. (Rt) No. 530, Home (Pol.XI) Department, dated 06.09.2019, I have been designated to inspect the premises of the Petitioner Thiru. V.M. Mohan, East Coast Road, Hanumanthai, Tindivanam, Villupuram District - 604 303, 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 to arrange for filing affidavit to that effect before the High Court of Madras on or before 03.10.2019.

4. Accordingly, I have inspected the said premises on 25.09.2019 at 12.30 noon and the Writ Petitioner was also present during the inspection. I respectfully submit the following which were noticed during inspection.

- i. It is confirmed that the said premises is being used for public worship and general public is visiting the premises on daily basis.
- ii. It is ascertained that the Writ Petitioner has not made any application for construction of the building for worship purpose to the District Collector/Authorities concerned.
- iii. The said premises of the Writ Petitioner at Hanumanthai comes under Village Panchayat and hence for the purpose of worship at the said premises and building requires prior approval of the District Collector as per Rule 4(3) of Tamil Nadu Panchayats Building Rules, 1997, which says "No site shall 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, it in his opinion, the use of the site and buildings is likely to endanger public peace and order.

5. I respectfully state that the premises of the Writ Petitioner at Hanumanthai, Tindivanam, Villupuram District - 604 303 is used for public worship and therefore the said premises and building requires prior approval of the District Collector as per Rule 4 (3) of Tamil Nadu Panchayats Building Rules, 1997, as it comes under Village Panchayat."

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.

5. Accordingly, the Writ Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Home Secretary,
Government of Tamil Nadu,
Secretariat,
Fort St. George,
Chennai - 600 009.
2. The Director General of Police (DGP),
Office of the Director General of police,
Rajaji Salai,
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3. The District Collector,
Office of the District Collector,
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4. The Inspector of Police,
Marakanam Police Station,
Tindivanam Taluk,
Villupuram District.

+1cc to the Government Pleader Sr.91154

W.P. No. 22774 of 2019

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srg 18/11/2019