



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2019

CORAM:

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THE HONOURABLE MR.JUSTICE **G.R. SWAMINATHAN**

W.P. (MD) No.8674 of 2019

Pr.M.San Rajan,
Easuvin Kalvary Ooliyangal Sabai,
Door No.1-63, K Kundhuvillai,
Pallikonam, Arumanai Post,
Pin - 629 151,
Kanyakumari District.

... Petitioner

Vs

1. The District Collector,
Kanyakumari District,
Nagercoil.
2. The Superintendent of Police,
Kanyakumari District, Nagercoil.
3. The Revenue Divisional Officer,
Padmanabapuram Division,
Thuckalai & Post,
Kanyakumari District.
4. The Inspector of Police,
Arumanai Police Station,
Vilavancode Taluk,
Kanyakumari District.
5. The President,
Vellancode Village Panchayat,
Chithraral Post
Pin 629 152,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 31.01.2019 for giving church permission or recognition to the petitioner's Christian prayer activity in the name of Easuvin kalvary ooliyangal sabai, at Door No.1-63 D Kundhuvillai, Pallikonam, Arumanai Post, situated in Mulukkodu Revenue village of Kanyakumari District.



For Petitioner : Ms.M.Punitha Deva Kumar
For Respondents : Mr.K.Mu.Muthu
Addl. Govt. Pleader for R1 to R4
: Mr.A.Thiyagarajan for R5

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ORDER

Heard the learned counsel on either side.

2.The petitioner is having lease hold right over the petition mentioned premises. It is said to belong to the petitioner's own brother. The petitioner is carrying on religious activities in the said premises for the last three years. The petitioner now wants the authority to give formal permission to continue to do so. In this regard, the petitioner has given a representation dated 31.01.2019 to the respondents. Since it is not considered by the respondents, this writ petition has been filed.

3.I am unable to agree with the petitioner's submission. The petition mentioned site is located within the limits of the fifth respondent panchayat. Therefore, the Tamilnadu Panchayat Buildings Rues, 1997 are clearly applicable. Rule 4(3) reads as follows:-

"(3) 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, if in his opinion, the use of the site and buildings is likely to endanger public peace and order."

4.The said provision contemplates obtaining prior permission from the District Collector before constructing a building intended for public worship or religious purposes. The petitioner cannot acquire rights in a building and ask for permission to use the same for religious purposes. The Rule does not contemplate such grant of post approval. In the case on hand, the petitioner is carrying on religious activities in the premises in question for the last three years before getting any approval. Therefore, I am of the view that no case has been made out for grant of any relief. The writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AD-I)

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To:

1. The District Collector,
Kanyakumari District,
Nagercoil.
2. The Superintendent of Police,
Kanyakumari District,
Nagercoil.
3. The Revenue Divisional Officer,
Padmanabapuram Division,
Thuckalai & Post,
Kanyakumari District.
4. The Inspector of Police,
Arumanai Police Station,
Vilavancode Taluk,
Kanyakumari District.

+1 CC to M/s.M.PUNITHA DEVAKUMAR, Advocate (SR-60608[F] dated
11/04/2019)

W.P. (MD) No.8674 of 2019
11.04.2019

ias

AE/ (13.05.2019) 3P 6C