



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.6974 of 2015
and
M.P. (MD) No.1 of 2015

G.Devadasan

... Petitioner

Vs

1. The District Collector,
Kanyakumari District,
Nagercoil.
2. The Superintendent of Police,
S.P.Office, Nagercoil,
Kanyakumari District.
3. The Thasildhar,
Kalkulam Taluk,
Thuckalay,
Kanyakumari District.
4. The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.
5. The Village Administrative Officer,
Veeyanoor Village,
Kalkulam Taluk,
Kanyakumari.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents or their subordinates from initiating any action against the petitioner by preventing him from conducting prayer meetings, in his house situated at Survey No.169/4 and Door No.14/51, Poolanthotathuvilai, Nediyancode, Kattathurai P.O., Veeyanoor Village, Kalkulam Taluk, Kanyakumari District.

For Petitioner : Mr.D.Anbarasu

For Respondents : Mr.M.Rajarajan

**ORDER**

Heard the learned counsel on either side.

2. The writ petitioner is a trustee of "Tabernacle ministries". He is essentially engaged in religious activities. In the affidavit filed in support of this writ petition, he frankly states that he is doing gospel work and healing ministry. The petitioner put up the petition mentioned building as a residence. In fact he got permission and planning approval only for putting up a residential house. He wants to convert the said place into a place of worship. When the authorities wanted to take action, the petitioner filed this writ petition for restraining them from preventing him from conducting prayer meeting in his house. The learned counsel for the petitioner placed reliance on an order dated 14.08.2012 in W.P. (MD) No.10782 of 2006.

3. I am unable to agree with the petitioner's contentions. Admittedly, the building in question is located within a panchayat limits. Rule 4(3) of the Tamil Nadu Panchayat Building Rules, 1997 states that *"no site shall be used for the construction of a building intended for public worship or religious purposes without the prior approval of the District Collector."*

4. Therefore, the building in question cannot be utilized for a religious purpose without prior approval of the District Collector. Admittedly, prior approval has not been obtained from the District Collector in this case. Therefore, the relief sought for in this writ petition cannot be granted.

5. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Kanyakumari District,
Nagercoil.
2. The Superintendent of Police,
S.P. Office, Nagercoil,
Kanyakumari District.



3. The Thasildhar,
Kalkulam Taluk,
Thuckalay,
Kanyakumari District.

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5. The Village Administrative Officer,
Veeyanoor Village,
Kalkulam Taluk,
Kanyakumari.

+1 CC to M/s.SPL GP (SR-54337[F] dated 15/03/2019)

+1 CC to M/s.D.ANBARASU, Advocate (SR-54203[F] dated 15/03/2019)

PNN

TE/KM : 02/04/2019 : 3P/8C

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