



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:**11.12.2019**
CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.25641 of 2019

and

W.M.P. (MD) .Nos.22208 and 22209 of 2019

A.Yosuva @ Murugan

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District.

2.The Block Development Officer,
Mela Neelitha Nallur Panchayat Union,
Kadayanallur Taluk,
Tirunelveli District.

3.The President
Senthamaran Majara Panchayat,
Kadayalooruti Village,
Kadayanallur Taluk,
Tirunelveli District.

4.The Superintendent of Police,
Tirunelveli District.

5.The Tahsildar,
Kadayanallur Taluk,
Tirunelveli District.

6.The Revenue Inspector,
No.23, Sarnthamangalam Village,
Sangarankovil, Tirunelveli District.

7.The Village Administrative Officer,
No.23, Sarnthamangalam Village,
Sangarankovil, Tirunelveli District.

8.The Sub Inspector of Police,
Sarnthamangalam Police Station,
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed in U.U./#2/33329/2019 dated

<https://hcservices.ecourts.gov.in/hcservices/>



10.10.2019 and as well as order in W.P(MD)No.25641 of 2019 dated 20.07.2016, by the first respondent and quash the same as illegal, consequently, directing the 1st respondent to give permission to conduct the prayer meeting regularly in S.No.964/4 and 5 at Kadayalooruti Village, Tirunelveli District.

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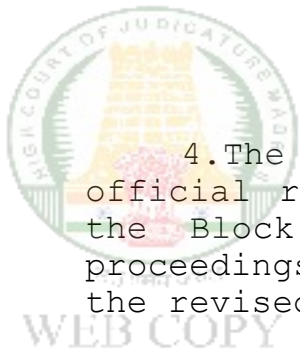
For Petitioner : Mr.KR.Singaravadivel
For R1, R4 to R8 : Mrs.J.Padmavadi Devi
Special Government Pleader
For R2 & R3 : Mr.M.Pandiarajan
Additional Government Pleader

ORDER

Heard Mr.KR.Singaravadivel, learned counsel appearing for the petitioner, Mrs.J.Padmavadi Devi, learned Special Government Pleader appearing for the respondent Nos.1, 4 to 8 and Mr.M.Pandiarajan, learned Additional Government Pleader appearing for the second and the third respondents.

2.This writ petition has been filed challenging the impugned order dated 20.07.2016 and 10.10.2019 passed by the first respondent.

3.The petitioner is claiming to be a member of the Tirunelveli Diocesan Trust Association and Yakkobu CSI Church situated in Kadayalooruti Village of Santhamaram Majara Panchayat. The dispute is in respect of the refusal of permission to convert a residential house into a prayer Hall. The petitioner has obtained plan approval issued by the Panchayath President on 24.03.2016 for construction of a residential house. The Panchayat also has approved the building permission for residential house. Now, the petitioner has applied for conversion of the residential house into CSI Prayer Hall by giving representation dated 01.07.2019 and the said representation was rejected by the District Collector. Though a resolution was taken on 09.04.2012, by the Panchayat and No Objection Certificates were obtained from the Fire Service Department, dated 14.05.2012; Health Department, dated 17.09.2012; Inspector of Police, Sendamaram Police, dated 12.12.2012 and the recommendation of the Block Development Officer, dated 29.08.2013 for constructing prayer Hall, the District Collector, who is the first respondent has specifically observed that after due enquiry with the local people and field inspection and based on the recommendation of the Superintendent of Police, the construction of the prayer hall would lead to Law and order problem and hence, rejected the petitioner's request. Besides, the impugned order also has observed that having obtained permission for construction of a residential house in S.No.964/4 & 5, now the petitioner is trying to convert the same into a prayer hall and only on the said ground, the request of the petitioner was rejected.



4.The learned Special Government Pleader appearing for the official respondent Nos.1, 5 to 8 has produced the proceedings of the Block Development Officer, dated 01.08.2018 and the said proceedings relates to construction of a residential house, based on the revised plan.

5.In view of the above, nothing on record to show that the building was constructed only for the purpose of prayer hall. The petitioner has applied permission only for construction of a residential house and after completion of construction, he seeks to convert the same into a prayer hall, which request was rightly rejected by the authorities. Hence, there is no merit in the writ petition.

6.With the above observations, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Ns

To:

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Tirunelveli District.
- 2.The Superintendent of Police,
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- 3.The Tahsildar,
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+1 CC to MR.K.R.SINGARAVADIVEL, Advocate (SR-104544[F] dated
11/12/2019)

+1 CC to SPL.GP (SR-104652[F] dated 12/12/2019)

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