

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2020

CORAM

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

Review Application No. 229 of 2019

**in
W.P. No. 2149 of 2018**

1. The District Collector
Coimbatore District
State Bank Road
Gopalapuram
Coimbatore – 641 018.
2. The Tahsildhar
Office of the Tahsildhar
Coimbatore North
Coimbatore – 641 018.
3. The Inspector of Police
E-3 Police Station
Saravanampatti
Coimbatore - 641 035.

... Review Petitioners

-VS-

C.Joseph
S/o.Chinnaiyan
Christian, Aged 51 years
87/8,65, Barathi Street
M.R.Nagar, Chinnavedampatti
Coimbatore 641 049.

... Respondent

Prayer:- This Review Application filed under Order XLVII Rule 1 read with Section 114 of Civil Procedure Code and read with Article 226 of the Constitution of India, to set aside the order dated 14.06.2019 passed in W.P. No. 2149 of 2018 by allowing the above review petition.

For Petitioners : Mr.G.K.Muthukumar,
Special Government Pleader

For Respondent : Mr.Richardson Wilson

ORDER
(through video conference)

Heard Mr. G.K.Muthukumar, Learned Special Government Pleader appearing for the Petitioners and Mr. Richardson Wilson, Learned Counsel appearing for the Respondent and perused the materials placed on record, apart from the pleadings of the parties. The parties are hereinafter referred to as per their description in this Review Application.

2. The Writ Petition in W.P. No. 2149 of 2018 had been filed by the Respondent herein challenging the notice in Na.Ka.No.0494/2018/Aa8 dated 22.01.2018 issued by the Second Petitioner prohibiting him from conducting the

prayer services at the residential premises situated at No.87/8, Chinnavedampatti Village, Coimbatore and to consequently restrain the Petitioners from interfering with the conduct of prayers by the Respondent there.

3. This Court by an order dated 14.06.2019 in W.P. No. 2149 of 2018, after referring to the contention of the parties viz-a-viz the legal position, held as follows:-

“6. In the light of the aforesaid settled legal principles, the question of requiring the petitioner to get prior permission from any authority for assembling and conducting any prayers in his dwelling place per se, without causing nuisance or disturbance to others and without causing hindrance to the general public of the locality, does not arise. Consequently, the directions issued by the second respondent in the impugned order calling the petitioner to attend the peace talks with the Hindu Munnani Party, who had lodged objections, and restraining the petitioner from conducting prayers till such peace talks are concluded, which is without any authority of law, cannot be sustained. However, the petitioner is bound to ensure that while conducting such prayers in his residential premises, no hindrance or disturbance is caused to the general public and for that purpose, it is certainly open to the concerned authorities on the basis of

subjective satisfaction with concrete evidence to take necessary action under the provisions of the relevant statutes in accordance with law in the event of any nuisance being caused due to noise pollution or for violation of any statutory provisions or for any bonafide reasons.

7. The writ petition stands disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petition is closed. No costs."

4. The Petitioners have thereafter filed this Review Application contending that the Respondent does not have the requisite license from the District Collector under the provision of Section 6(4) of the Tamil Nadu District Municipalities Building Rules, 1972, permitting him for conducting prayers in the place of worship. In order to ascertain its applicability and factual correctness, this Court by an order dated 05.02.2020 had passed the following order:-

"The third petitioner shall inspect the building in which the respondent claims to be conducting prayers in order to ascertain as to whether that premises is a place of worship or used for religious purpose, which requires prior permission of the District Collector under Section 6(4) of the Tamil Nadu District Municipalities Building Rules, 1972, before its construction and file a report on or before 30.04.2020 in that regard.

Post the matter on 08.07.2020.”

5. The Third Petitioner has filed Report dated 19.08.2020 in furtherance to the aforesaid order passed by this Court in which it has been stated as follows:-

“On the South one Chandrakala family is residing sand on the North one Lakshmi family is residing. Due to the family circumstances on 24.02.2020 Joseph sold the building to one Surya (32), S/o.Rajendran, D.No.7/1, Puliyamara Thotttam, Thennamangalam, Anthiyur, Erode District and registered at Saravanampatty Sub Register Office in sale deed no:2026/2020.

It is submitted that at present the above mentioned Joseph is residing at Apex Colony, Kappikadai Bus Stop, Vilankurichi Road, Saravanampatty, Coimbatore within the jurisdiction of Kovilpalayam PS in Coimbatore District. Both his son are residing near by house of Joseph. The said Surya who purchased the building gave the East facing portion of the building to one Shanthi for lease. North facing house rooms the upstairs is also vacant for the rental purpose.”

6. The Learned Counsel for the Respondent confirms the aforesaid sale of the property by the Respondent to a third party during the pendency of the Review Application. He has filed a memo dated 20.08.2020 to that effect which is placed

on record. In view of the aforesaid subsequent events, which shows that the Respondent is not conducting any prayers in the said premises, nothing remains for further consideration in the matter.

Accordingly, the Review Application is disposed. Consequently, connected Miscellaneous Petition is closed. No costs.

20.08.2020

msm/vjt

Index : Yes/No

Note: Issue order copy by 02.09.2020.

To

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P.D. AUDIKESAVALU, J.

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