



WEB COPY

W.P.(MD)No.5199 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2020

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR  
and

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P (MD)No.5199 of 2020

and

W.M.P. (MD)No.4548 of 2020

S.Muniyappan

.. Petitioner

Vs.

- 1.The Collector,  
Office of the Collectorate Complex,  
Virudhunagar District, Virudhunagar.
- 2.The Revenue Divisional Officer,  
Office of Revenue Divisional Officer,  
Aruppukottai, Virudhunagar District.
- 3.The Tahsildar,  
Office of Tahsildar,  
Aruppukottai, Virudhunagar District.
- 4.The Block Development Officer,  
Office of Block Development Officer,  
M.Reddiapatti, Aruppukottai,  
Virudhunagar District.
- 5.The Village Administrative Officer,  
Office of Village Administrative Officer,  
Kalloorani Village,  
Aruppukottai Taluk, Virudhunagar District.
- 6.The Attorney,  
The Church of South India,  
Trust Association,  
Door No.12, East Veli Street, Madurai.

..Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, to direct the respondents 3 and 4 not to grant further permission to the sixth respondent in continuing to construct the proposed church affecting communal relationship comprising in Old



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Survey No.128/1 and the New Survey No.128/3, situated at Kalloorani Village, Aruppukottai Taluk, Virudhunagar District.

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|-------------------|-------------------------------------------------|
| For Petitioner    | : Mr.L.Prabhu                                   |
| For R1 to R3 & R5 | : Mr.R.Sethuraman<br>Special Government Pleader |
| For R4            | : Mr.M.Pandiarajan                              |
| For R6            | : Mr.Antony Arul Raj                            |

ORDER

(Order of the Court was made by S.S.SUNDAR, J.)

This Writ Petition is filed for issuing a direction to the respondents 3 and 4 not to grant any permission to the sixth respondent to construct a proposed church in Old Survey No.128/1 and the New Survey No.128/3, situated at Kalloorani Village, Aruppukottai Taluk, Virudhunagar District.

2.The petitioner, as a resident of the village, has given representations to the second respondent on 25.02.2020 and 02.03.2020. The representations indicate that the petitioner and few others in the village have raised some objections for the sixth respondent to construct the church in O.S.No.128/1 and the New Survey No.128/3, situated at Kalloorani Village, Aruppukottai Taluk, Virudhunagar District. From the representations, it is seen that the ownership or title of the property is not disputed. However, the petitioner's grievance is that there may be law and order problem, as the temple procession will be through the road adjoining the church. The apprehension of the petitioner is that the temple procession may be disturbed, if the church is constructed in the proposed place.

3.The learned Special Government Pleader, on instructions, submitted that the sixth respondent has obtained the building plan permission for putting up the construction as per the building rules. It is further stated that several other communities have given no objection for the sixth respondent for putting up the church in the proposed place.

4.This Court is of the view that the nature of objection raised by the petitioner indicates that except mere apprehensions, which are not acceptable and which cannot be approved by this Court, no tangible or valid reason is submitted to sustain the objection based on mere apprehension of the petitioner that law and order problem will arise, if a church is put up in the location. There is no dispute as to



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the ownership of land in respect of the land, in which the construction has commenced. It will be unconstitutional to prevent minorities to construct a church after obtaining permission. No statutory violation is pointed out. This Court is unable to see any public interest in the present Writ Petition. Hence, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar

To

- 1.The Collector,  
Office of the Collectorate Complex,  
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- 5.The Village Administrative Officer,  
Office of Village Administrative Officer,  
Kalloorani Village,  
Aruppukottai Taluk, Virudhunagar District.

+1cc to Mr.T.Antony Arul Raj, Advocate, SR.No.11275

+1cc to Mr.L.Prabhu, Advocate SR.No.11535

AKM/06.05.2020 /3P-8C/

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