



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No. 29074 of 2011

Full Gospel Pentecostal Church
Mathavilai, Rep. By its Chief Bishop
I.Vinil Sathesh
Kadamalaikuntru
Mekkamandapam
Kanyakumar District.

...Petitioner

Vs

- 1.The Government of Tamilnadu
Rep. By its Secretary to Government
Municipal Administration & Water Supply Department
Fort St. George, Chennai - 600 009.
- 2.The Government of Tamilnadu
Rep. By its Secretary to Government
Revenue Department
Fort St. George, Chennai-600 009.
- 3.The District Collector
Kanyakumari District
Nagercoil - 629 001.
- 4.The Executive Officer
Mondaicaud Town Panchayat
Mondaicaud, Kanyakumari District.
- 5.C.Arulselvan

...Respondents

[R5 impleaded vide order dated
29.10.2021made in M.P. No.1/ 2015
in W.P. No. 29074 of 2011]

Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the Respondents especially the third respondent made in R.O.C. No. C3/95158 dated 31.12.2009, as confirmed by the first respondent, pursuant to his proceedings made in Letter No. 10842/TPII/2011-3, dated 23.09.2011 and quash the same as null and void, illegal and invalid, and consequently, directing



the Respondents, especially the first respondent /second respondent to treat/ recognize the property and building comprised in R.S. No. 301/22 to an extent of 2831.4 sq. ft. + 2831.4 sq. ft. in the name of 'Full Gospel Pentecostal Church' of Mathavilai (Manavalakurichi) village, besides making entry of the same in the property records maintained by the fourth respondent for all purposes, in the light of identical order passed in W.P. No. 4151 / 2008 dated 30.04.2008 and as implemented by the third respondent pursuant to his proceedings made in R.O.C. No. C3/63628/2007 dated 17.09.2008.

For Petitioner : Ms. Chellammal
For M/s. A.Amal Raj

For Respondents : Mr. K.M.D. Muhilan (For R1 to R3)
Government Advocate

Mr. V.Jaya Prakash Narayanan (For R4)

M/s. Elizabeth Ravi
For Mr. P.Raja (For R5)

O R D E R

The impugned order passed by the Third Respondent on 31.12.2009 confirmed by the First Respondent in proceedings dated 23.09.2011 is sought to be quashed in this writ petition.

2. The order dated 31.12.2009 impugned reveals that the Petitioner has filed an application to convert the residential building into a Pentecostal Church without obtaining due prior approval of the Collector as required under Rule 6(4) of the Tamil Nadu District Municipalities Building Rules 1972.

3. It is stated that the church authorities have not applied for permission for conversion of the residential building into a worship place with the building plan through concerned Panchayat. The said rejection order passed by the District Collector was challenged by the Petitioner before the Government and the Government in order dated 23.09.2021 has clearly stated that the residential building bearing Door No. 10/31 B of Mondaikkadu Town Panchayat has been converted into a Pentecostal Church without obtaining due prior approval of the Collector as required under the Rule 6(4) of the Tamil Nadu District Municipalities Building Rules, 1972. The church authorities had not applied for permission for such conversion of the residential building into a worshiping place with building plan through concerned Panchayat.



4. Approval from the competent authorities is a mandatory provision and without getting approval from the competent authority building construction cannot be made. In the present case, the petitioner obtained the building plan approval for the residential building and subsequently, the said residential building was converted into a Pentecostal Church. Such conversion is impermissible under Law. Thus, the authorities have rightly rejected the petition and the Government also rejected the application submitted by the Writ petitioner.

5. Learned Counsel for the Petitioner made a submission that a fresh application is submitted. This Court is of the considered opinion that the illegality regarding the conversion of residential building into a religious institution can never be approved. Permission is required and Act and Rules contemplates several criteria for the purpose of grant of approval for religious institution. Allowing a religious institution in a residential area cannot be granted in a routine manner as such religious institutions may cause inconvenience to the people of that locality. Thus, grant of approval or conversion to run religious institution is to be considered based on various facts and strictly in accordance with the provisions of the Act and Rules.

6. This being the factum, the Petitioner without getting any approval cannot convert the residential building as Pentecostal Church for the purpose of providing gospel services. In view of the facts and circumstances, the Petitioner has not established any acceptable legal ground.

7. Accordingly, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

Maya

To

1.The Secretary to Government
Municipal Administration & Water Supply Department
Fort St. George,
Chennai - 600 009.



2.The Secretary to Government
Revenue Department
Fort St. George, Chennai-600 009.

3.The District Collector
Kanyakumari District
Nagercoil - 629 001.

4.The Executive Officer
Mondaicaud Town Panchayat
Mondaicaud, Kanyakumari District.

+1cc to Mr.V.Jayaprakash Narayanan, Advocate SR. No.56594
+1cc to Mr.P.Raja, Advocate SR. No.56513
+1cc to Government Pleader SR. No.57149

W.P. No. 29074 of 2011

PMK (CO)
PR (28/12/2021)