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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.24647 of 2019

Thazlin Muni

... Petitioner

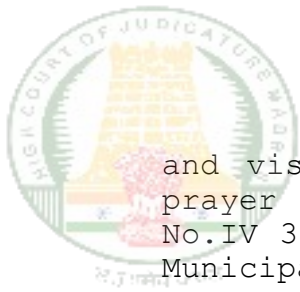
vs.

1. The Government of Puducherry,
represented by its Chief Secretary,
Chief Secretariat,
Goubert Avenue, Beach Road,
Puducherry - 605 001.
2. The District Collector of Puducherry,
Vazhudavoor Road,
Pettaiyanchathiram,
Petayan Chathiram,
Puducherry - 605 009.
3. The Regional Administrator of Mahe,
Office of the Regional Administrator,
Mahe, Puducherry - 673 310.
4. The Superintendent of Police,
Office of the Superintendent of Police,
Cemetery Road, Mahe - 673 310.
5. The Sub-Inspector of Police,
Mahe Police Station,
Statue Junction, Main Road,
Mahe.
6. The Member Secretary,
Mahe Planning Authority,
Mahe.

... Respondents

(R6 impleaded as per the order dated 06.09.2019 in
W.M.P.No.26157 of 2019 in W.P.No.24647 of 2019)

Writ Petition filed under Article 226 of the Constitution
of India praying for the issuance of a writ of Mandamus,
forbearing the Respondents from interfering with the right of
the Petitioner, their Patients, their attendants, Doctors, staff



and visitors to the Dialysis Centre to conduct prayers in the prayer areas in the Petitioner's commercial building at Door No.IV 35A and IV 35B in R.S.No.12/4A, Mahe Revenue Village, Mahe Municipality, Mahe.

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For Petitioner : Mr.C.A.Diwakar
For Respondents 1 & 2 : Mrs.N.Mala,
Government Pleader (Puducherry)

ORDER

Petitioner has come up with the above Writ Petition seeking to forbear the Respondents from interfering with her rights and the rights of the Patients, attendants, Doctors, staff and visitors to the Dialysis Centre to conduct prayers in the prayer area in her commercial building at Door No.IV 35A and IV 35B in R.S.No.12/4A, Mahe Revenue Village, Mahe Municipality, Mahe.

2. It is stated by the Petitioner that, she is the absolute owner of the land in R.S.No.12/4A, Mahe Revenue Village, Mahe Municipality, Mahe, which is adjacent to her house. She constructed a commercial building in the said land after obtaining Planning Permission for two floors. A third floor was subsequently constructed after obtaining further permission. As the Petitioner and her family are associated with various social service activities, she dedicated the entire building for charitable and social cause. Accordingly, she established a Dialysis Centre in the ground and first floor of the building. A small portion measuring an extent of 613.10 sq. ft. on each floor has been assigned as prayer area for patients. Notwithstanding the fact that, the prayer area was not a public place of worship, the Petitioner submitted a formal letter dated 21.06.2017 to the 3rd Respondent seeking permission to perform prayers in the Prayer Area reserved in the commercial building and the same is pending consideration. However, to her shock, the Petitioner received a Notice dated 04.06.2019 from the 6th Respondent herein inter alia claiming that, the building is used as a place of public worship without approval under the Puduchery Building Bye laws and Zoning Regulation. Moreover, she received threats that, the building approval will be cancelled. Hence, having no other alternative, she has come up with the present Writ Petition.

3. Heard the learned counsel on either side and perused the material documents available on record.

4. Considering the facts and circumstances of the case, without going into its merits, this Court directs the 3rd Respondent herein to consider the Petitioner's representation



dated 21.06.2017 in accordance with law, after affording an opportunity of hearing to the parties and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

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The Writ Petition is disposed of accordingly. No costs. Consequently, connected W.M.P.No.24299 of 2019 is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Chief Secretary,
Government of Puducherry,
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2. The District Collector of Puducherry,
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Mahe.
6. The Member Secretary,
Mahe Planning Authority,
Mahe.

+1cc to Mr.C.A.Diwakar, Advocate, S.R.No.66934

W.P.No.24647 of 2019

RSV(CO)
SB(30/12/2021)