



W.P.No.1614 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2022

CORAM

THE HON'BLE Mr. JUSTICE **M.DHANDAPANI**

W.P.No.1614 of 2018

and

W.M.P.No.2027 of 2018

T.Ravikumar

... Petitioner

Versus

1.The District Collector,
Coimbatore District,
Coimbatore – 641 018.

2.The Revenue Divisional Officer,
Coimbatore North,
Coimbatore.

3.The Thasildar,
Coimbatore North,
Coimbatore.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from interfering with the petitioners right to conduct of religious prayer meeting at Door No.40/1, Sakthi Nagar, Chinnavadampatti Village in S.No.21, Ward No. 27, Coimbatore North, Coimbatore.



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W.P.No.1614 of 2018

For Petitioner : Mr.P.Subramanian
For Respondents : Mr.P.Sathish
Additional Government Pleader
in both writ petitions

O R D E R

This Writ Petition has been filed for the issuance of a writ of mandamus forbearing the respondents from interfering with the petitioners right to conduct of religious prayer meeting at Door No.40/1, Sakthi Nagar, Chinnavadampatti Village in S.No.21, Ward No. 27, Coimbatore North, Coimbatore.

2. The case of the petitioner is that he had purchased 3250 sq.ft. of land in S.No.21, Ward No.27, Coimbatore North, registered in Gandhipuram Sub-registration office, Coimbatore on 10.10.2005 as Doc. No.6442/2005 and he had built a building and residing there along with his family members. It is stated that the petitioner is a full time Pastor engaged in preaching Gospel and praying for the sick and is conducting prayers in his premises. It is further stated that the petitioner constructed R.C.C. Roofing residence in the aforesaid property and is conducting regular prayer



W.P.No.1614 of 2018

meetings on Saturdays, Sundays and on all holy days of the year. It is stated that the third respondent herein came to the petitioner's house alleging that the prayer meetings are conducted in the premises by the petitioner without getting prior permission from the District Administration. The grievance of the petitioner is that he does not require any permission from any administration for conducting prayers in his premises. Hence, he prays to forbear the respondents from interfering with the petitioner's right to conduct religious prayer meeting in premises.

3. The learned counsel for the petitioner submitted that the petitioner is entitled to conduct prayer meetings in his dwelling house and no Government Authority can interfere with the petitioner's personal liberty. He further submitted that the issue arising in this writ petition has already been settled by the Madurai Bench of this Court by its order dated 14.08.2012 in W.P. (MD) No.10782 of 2006 wherein this Court has made it clear that no prior permission is required from any authority for assembling and conducting prayer in a dwelling house. He submitted that it is always open to the concerned authority to take necessary action if noise pollution is



W.P.No.1614 of 2018

caused due to conducting prayers in the premises.

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4. The learned Additional Government Pleader appearing for the respondents submitted that the petitioner should obtain necessary building permission for running prayer hall as referred in Rule 6(4) of Tamil Nadu District Municipalities Building Rules, 1972. He further submitted that without getting any proper permission / approval of the building from the local authorities for constructing a prayer hall and running the same is violation of rules. Hence, the petitioner may be directed to obtain necessary building approval from the local authorities for running a prayer hall.

5. Taking into consideration the facts and circumstances of the case, this Court is of the view that each and every person is entitled to practise their own religion and no one can interfere the same as long as it is not affecting other's interest. In the present case, the petitioner has filed an anticipatory petition before this Court restraining the third respondent not to interfere with the petitioner's conduct of religious prayer meeting in the aforesaid premises, which is not a sustainable one. The petitioner is entitled



W.P.No.1614 of 2018

to conduct prayer in his house without making any noise and without giving any disturbance to his neighbours who are residing in and around of his house. So long as the petitioner obtained permission from competent authority and does not cause any nuisance by way of noise pollution or disturbance to the public in the guise of conducting prayers at his premises, the third respondent need not interfere the same. However, if any law and order problem arises causing nuisance to the locality of the petitioner, the third respondent is entitled to take action against the petitioner.

6. In view of the above, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

23.06.2022

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Internet : Yes

Index : Yes / No

Speaking Order/ Non-speaking Order



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W.P.No.1614 of 2018

M.DHANDAPANI. J.,

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To

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W.P.No.1614 of 2018

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