

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**DATED: 25.08.2022****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P.(MD)No.16833 of 2019**

N.Radhakrishnan

... Petitioner

Vs.

1 The District Collector,
Kanyakumari District ,Nagercoil.

2 The Superintendent of Police,
Kanyakumari District , Nagercoil.

3 The Revenue Divisional Officer,
Padmanabapuram, Thukkalai,
Kanyakumari District.

4 The Inspector of Police,
Kadayalmoodu Police Station,
Vilavancode Taluk,
Kanyakumari District.

5 D.S.Deva Sugin

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to forbear the respondents 1 to 4 from granting any permission to the 5th respondent for the illegal and unauthorized conversion of a house as church at Door No.7/59-C(3) in Survey No.377/1, Kaliyal Village, Vilavancode Taluk, Kanyakumari District,

without proper permission from the 1st respondent and consequently direct the respondents 1 to 4 to maintain peace social discipline and law and order at Vilavancode Taluk in Kanyakumari District, based on the petitioner's representation dated 01.04.2018 and 04.06.2019 within the period stipulated by this Court.

For Petitioner : Mr.Ananth C.Rajesh

For R-1 to R-4 : Mr.M.Prakash,
Additional Government Pleader.

For R-5 : Mr.K.Samidurai

* * *

ORDER

Heard the learned counsel on either side.

2. The writ petitioner and the fifth respondent are neighbours. The fifth respondent had purchased the petition mentioned property as a residential house in the year 2017. Thereafter, he began to conduct public religious prayer meetings therein. That led to the initiation of the proceedings under the provisions of Cr.P.C. In this background, the petitioner has filed the present writ petition.

3. The issue on hand is no longer *res integra*. It has been held in many cases that residential houses cannot be converted into public religious prayer halls. The building rules clearly stipulate that before putting up any such construction, prior approval of the District Collector must be obtained. The fifth respondent cannot use an existing residential building as a public religious prayer house. It is the duty of the official respondents to ensure that no public religious prayers are held in the petition mentioned site. This writ petition stands allowed. No costs.

25.08.2022

Index : Yes / No
Internet : Yes/ No

PMU

G.R.SWAMINATHAN,J.

PMU

To:

- 1 The District Collector,
Kanyakumari District ,Nagercoil.
- 2 The Superintendent of Police,
Kanyakumari District , Nagercoil.
- 3 The Revenue Divisional Officer,
Padmanabapuram, Thukkalai,
Kanyakumari District.
- 4 The Inspector of Police,
Kadayalmoodu Police Station,
Vilavancode Taluk,
Kanyakumari District.

W.P.(MD)No.16833 of 201925.08.2022