



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2022

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.21421 of 2016

and

W.M.P.[MD]No.15304 & 15305 of 2016

Jesus Garden Trust,
Represented by its Trustee T.Samraj.

... Petitioner

/Vs./

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Superintendent of Police,
Tirunelveli District, Tirunelveli.

3.The Sub Collector,
Cheranmahadevi, Tirunelveli District.

4.The Deputy Superintendent of Police,
Valliyoor,
Tirunelveli District.

... Respondents

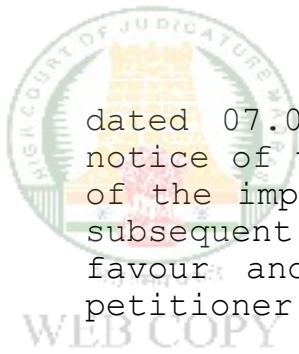
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order MU.Mu.C2/16025/2016 dated 07.05.2016 passed by the 1st respondent and quash the same as illegal and subsequently direct the 1st respondent to grant permission to conduct the prayer sessions at 3/6-B, Palavoor & post, Radhapuram Taluk, Tirunelveli- 627 114.

For Petitioner : Mr.V.Rajiv Rufus
For Respondents : Ms.S.Jeyapriya
Government Advocate

ORDER

This writ petition has been filed challenging the order dated 07.05.2016 passed by the first respondent rejecting the petitioner's request to conduct prayers in the petitioner's premises and the petitioner has also sought for consequential direction to permit them to conduct prayers in the said premises.

2.It is now brought to the notice of this Court that subsequent to the impugned order dated 07.05.2016, the petitioner has obtained a patta in its name, which was not available when the impugned order



dated 07.05.2016 came to be passed. It is also brought to the notice of this Court that the petitioner has also preferred a review of the impugned order dated 07.05.2016 before the first respondent, subsequent to the patta issued for the subject property in its favour and the first respondent has forwarded the case of the petitioner to the second and third respondents for their reports.

3.As seen from the impugned order dated 07.05.2016 passed by the first respondent, the reasons/grounds for rejection of the petitioner's request for conducting prayers are as follows:

(a) Patta for the property, where prayers are going to be held was not produced;

(b) Law and order problem.

4.Since patta has already been obtained, the first ground for rejection will not arise now. Insofar as the second ground for rejection, namely, the law and order problem is concerned, the learned counsel appearing for the petitioner has produced photographs of the building, where the prayers are going to be conducted and would submit that the subject property is located in an isolated place and there cannot be law and order problem, as contended by the first respondent in the impugned order.

5.After giving due consideration to the aforementioned factors, this Court is of the considered view that the impugned order dated 07.05.2016 will have to be quashed and the matter has to be remanded back to the first respondent for fresh consideration on merits and in accordance with law, after affording a fair hearing to the petitioner and other necessary parties, if any.

6.For the foregoing reasons, the impugned order dated 07.05.2016 passed by the first respondent is hereby quashed and the matter is remanded back to the first respondent for fresh consideration. The first respondent shall pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and other rival claimants, if any, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7.With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
- 3.The Sub Collector,
Cheranmahadevi,
Tirunelveli District.
- 4.The Deputy Superintendent of Police,
Valliyoor,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-7732[F] dated 22/02/2022)

order made in

W.P. [MD]No.21421 of 2016

Dated:**21.02.2022**

SK(CO)

TR(03.03.2022) 3P 6C