



W.P.No.4485 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.4485 of 2018

and

W.M.P.No.5516 of 2018

Rev.W.S.Vedha

...Petitioner

Vs.

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

2. The Revenue Divisional Officer,  
Pollachi,  
Coimbatore – 641 018.

3. The Thasildar,  
Pollachi,  
Coimbatore – 641 402.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from interfering with the petitioners right to conduct of religious prayer in Block No.2, S.F.No.72, Old Door No.2/121 E, New No.2/227, Kolarpatti, Pollachi, Coimbatore 642 107, Coimbatore District.

For Petitioner : Mr.P.Subramanian



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For Respondents : Mr.U.Baranidharan, AGP

### **ORDER**

This Writ petition has been filed to forbear the respondents from interfering with the petitioner's right to conduct of religious prayer in his premises.

2. It is the case of the petitioner is that, he is the owner of the property situated at Block No.2, S.F.No.72, Old Door No.2/121 E, New No.2/227, Kolarpatti, Pollachi, Coimbatore. It is further averred that, he is a full time Pastor engaged in preaching the Gospel, conducting fasting prayer since 1997 onwards. It is alleged that, without getting proper permission from the District Administration, the prayer meetings are conducted by him and all of a sudden, the same was stopped by the 3rd respondent. In such circumstances, he has come before this Court with the prayer as stated supra.

3. Learned counsel for the petitioner submitted that, the petitioner is entitled to conduct prayer meetings in his dwelling house and no



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Government Authority can interfere with the petitioner's personal liberty.

He further submitted that, the issue raised in this Writ petition has been covered by a decision of this Court in W.P.(MD) No.10782 of 2006, wherein it has been held that, no prior permission is required from any authority for conducting prayer in a dwelling house. On instructions, he also submitted that the said action of the petitioner will not cause any hindrance to general public. Hence, he prays for issuance of appropriate direction to the respondents.

4. Learned Additional Government Pleader appearing for the respondents submitted that as per the statute, the petitioner has to obtain necessary permission from the authorities concerned for conducting prayers / preachings. Reiterating the contents submitted in the counter affidavit, he drew the attention of this Court to Rule 6(4) of Tamil Nadu District Municipalities Rules, 1972, which stipulates that one should get necessary permission for using the premises for religious purpose. The aforesaid action of the petitioner i.e., conducting prayers without getting prior permission from the authorities concerned is a clear violation of rules. Hence, this Writ petition is not maintainable and the same may be



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dismissed.

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5. Heard learned counsel on either side and perused the material documents placed on record.

6. It is an undisputed fact that the petitioner is the owner of the aforesaid property. It is not in dispute that freedom of religion is undoubtedly a fundamental right to every citizen and thus, no one is prohibited from doing religious prayers. However, the petitioner is bound to ensure that prior permission is obtained while conducting prayers in mass in his residential premises, as such no disturbance is caused to general public. Considering the aforesaid facts, this Court is of the view that, the petitioner has to obtain prior permission from the authorities concerned. Without doing so, approaching this Court by way of filing writ petition under Article 226 of the Constitution of India is not maintainable. Hence, the relief sought for by the petitioner in the present Writ petition deserves to be dismissed. However, it always left open to the petitioner to seek necessary permission



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from the authorities concerned for conducting such prayers. On receipt of any such request from the petitioner, the authorities concerned shall proceed further after giving due consideration to the objections, if any received at their end.

7. For the reasons aforesaid, this Writ petition stands dismissed. No costs. Consequently, connected Miscellaneous petition is closed.

**30.03.2023**

skt

NCC : Yes/ No  
Speaking Order : Yes/ No  
Index : Yes/ No

To

1. The District Collector,  
Coimbatore District,  
Coimbatore – 641 018.
2. The Revenue Divisional Officer,  
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3. The Thasildar,  
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**M.DHANDAPANI., J.**

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