



W.P. No.27419 of 2018

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

WEB COPY

DATED: 07.03.2023

CORAM:

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

**W.P. No.27419 of 2018**

**and**

**W.M.P. No.31923 of 2018**

A. Rathinasamy

... Petitioner

VS.

1. The District Collector,  
Coimbatore District,  
Coimbatore.

2. The Revenue Divisional Officer,  
Pollachi  
Coimbatore District.

3. The Tahsildar,  
Kinathukadavu,  
Coimbatore District.

4. The Inspector of Police,  
Kinathukadavu,  
Coimbatore.

... Respondents

Prayer : Writ 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 meeting in S. No.40/1B, Patta Number 574 at No.17, Rama Lakshmi Garden, Vadaputhur Road, Vadaputhur Village, Kinathukadavu 642 109, Coimbatore.



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For petitioner : Mr.P. Subramanian  
For respondents : Mr.M.Alagu Goutham,  
Government Advocate.

### **ORDER**

This writ petition has been filed for a Mandamus, forbearing the the respondents from interfering petitioner's right to conduct of religious prayer meeting in S. No.40/1B, Patta No.574 at No.17, Rama Lakshmi Garden, Vadaputhur Road, Vadaputhur Village, Kinathukadavu 642 109, Coimbatore.

2. It is the case of the petitioner is that he is the owner of the aforesaid property registered on the file of SRO, Kinathukadavu as Doc. No.3071 of 2008 on 16.06.2008. It is further averred that he is a full time Pastor engaged in preaching the Gospel, conducting fasting prayer since 2009 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 3<sup>rd</sup> respondent. In such circumstances, he has come before this Court with the prayer as stated supra.

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



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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. The learned Government Advocate 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 dismissed.

5. Heard Mr.P. Subramanian, learned counsel for the petitioner and



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Mr.M.Alagu Goutham, learned Government Advocate for the respondents.

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 in this writ petition deserves to be dismissed. Accordingly, this writ petition stands dismissed. However, it always left open to the petitioner to seek necessary permission from the authorities concerned for conducting such prayers. On receipt of any such request from the petitioner, the



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authorities concerned shall proceed further after giving due consideration to the objections, if any received at their end. No costs. Consequently, connected miscellaneous petition is closed.

**07.03.2023**

Index: Yes/No  
Internet: Yes/No  
Speaking Order/Non-Speaking Order  
vsi2

To

1. The District Collector,  
Coimbatore District,  
Coimbatore.

2. The Revenue Divisional Officer,  
Pollachi  
Coimbatore District.

3. The Tahsildar,  
Kinathukadavu,  
Coimbatore District.

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**M.DHANDAPANI, J.**

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