



W.P.(MD)No.1450 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 10.10.2023

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.(MD)No.1450 of 2021

and

W.M.P.(MD)No.1240 of 2021

Kanagaraj, S/o.Muthian

Versus

.. Petitioner

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Revenue Divisional Officer,
Padmanabhapuram, Kanyakumari District.

3.The Thasildhar,
Thiruvattar Taluk, Kanyakumari District.

4.The Executive Officer,
Verkilambi Town Panchayat, Verkilambi,
Kanyakumari District.

5.The Parish Priest/President,
Carmelite Mission, St.Arockia Annai Church,
Mukilankarai, Manalickarai Post,
Kanyakumari District.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to take appropriate action against the fifth respondent for conducting prayer in Door No.06-7/1 in Re.Sy.No.777/2 of Mecode Village, Kanyakumari District, by considering petitioner's representation, dated 23.12.2020.



W.P.(MD)No.1450 of 2021

For Petitioner : Mr.A.Balakrishnan
For R1 to R4 : Ms.S.Jeyapriya
Government Advocate
For R5 : Mr.R.J.Karthick

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the first respondent to take action against the fifth respondent for converting the residential house in Door No.06-7/1 in R.S.No.777/2, situated at Mecombe Village, Kanyakumari District, into a prayer hall, by considering petitioner's representation, dated 23.12.2020.

2. The case of the petitioner is that the property in possession and enjoyment of the fifth respondent has been categorized as residence. Whereas, the fifth respondent was attempting to convert it into prayer hall. Hence, a complaint was given to the first respondent and since no action was taken, the present Writ Petition has been filed before this Court.

3. The learned Government Advocate appearing on behalf of the respondents 1 to 4, on instructions, submitted that the first respondent will not permit the residential house to be converted into a prayer hall. When this Writ Petition was admitted, there was an interim order passed by this Court,



W.P.(MD)No.1450 of 2021

injunctioning the fifth respondent from utilizing the property as a place of worship. Hence, till date, the fifth respondent has not used the place as a place of worship.

4. In the considered view of this Court, permission has to be taken under the Tamil Nadu Panchayats Building Rules, 1997, if the fifth respondent intends to convert the residence as a place of worship. Without getting that permission, the fifth respondent cannot convert the residential house into a place of worship. If any such attempt is made by the fifth respondent, appropriate action shall be taken by the first respondent in accordance with law.

5. This Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
smn2

10.10.2023

To

1.The District Collector,
Kanyakumari District,
Nagercoil.



W.P.(MD)No.1450 of 2021

2.The Revenue Divisional Officer,
Padmanabhapuram, Kanyakumari District.

3.The Thasildhar,
Thiruvattar Taluk, Kanyakumari District.

4.The Executive Officer,
Verkilambi Town Panchayat, Verkilambi,
Kanyakumari District.



WEB COPY



W.P.(MD)No.1450 of 2021

N.ANAND VENKATESH, J.

smn2

W.P.(MD) No.1450 of 2021
and
W.M.P.(MD)No.1240 of 2021

10.10.2023