



WP(MD)No.12365 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **19.10.2023**

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.12365 of 2021

and

W.M.P(MD)No.9710 of 2021

Durairaj

...Petitioner

/Vs./

1.The District Collector,
Kanyakumari District,
Nagercoil.

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

3.The Tahsildar,
Thiruvattar Taluk,
Kanyakumari District.

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

5.The Superintendent of Police,
Kanyakumari District,
Nagercoil

6.The Inspector of Police,
Kotticode Police Station,
Kanyakumari District



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

...Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of mandamus directing the 1st respondent to take appropriate action against the 7th respondent for conducting prayer in Open Place 21 cents in Re-survey No.777/2 at Mecom Village Kanyakumari District by considering the petitioner's representation dated 06.05.2021.

For Petitioner	: Mr.S.Pugalendhi
For R1 to R4	: Mr.B.Saravanan Additional Government Pleader
For R5 & R6	: Mr.R.Sivakumar Government Advocate
For R7	: Mr.J.Karthick

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the first respondent to take action against the 7th respondent and to prevent the 7th respondent from conducting common prayer in the open place by considering the representation made by the petitioner on 06.05.2021.

2. One Kanagaraj, son of Muthian had filed a similar writ petition against the 7th respondent in WP(MD)No.1450 of 2021 and this writ petition was



disposed by this Court by order dated 10.10.2023. This Court, while dealing with the writ petition, held as follows:-

“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, injuncting 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.”

3. The learned counsel appearing for the 7th respondent submitted that already an application has been given to the District Collector seeking for permission under the concerned Rules and the same is pending. The learned counsel therefore submitted that he will get appropriate permission from the authorities and thereafter, will utilize the place as place of worship.



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4. Recording the above submission, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

19.10.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
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To,

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N.ANAND VENKATESH, J.

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Order made in
W.P.(MD)No.12365 of 2021
and W.M.P(MD)No.9710 of 2021

Dated:
19.10.2023