



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.08.2023**

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P(MD)NO.20299 OF 2023
and
W.M.P(MD)No.16739 of 2023**

K.Bhaskar

:Petitioner

.VS.

- 1.The Principal Secretary to Government,
Municipal Administration,
Urban and Water Supply Department,
Fort.St.George,
Chennai – 600 009.
- 2.The Commissioner,
Commissionerate of Land Administration,
Second Floor, Ezhilagam,
Chennai -600 005.
- 3.The Director of Town and Country Planning,
2nd, 3rd and 4th Floor,
C and E Market Road,
Koyambedu,
Chennai – 600 107.
- 4.The District Collector,
Thoothukudi District – 628 101.
- 5.The Assistant Director of Panchayats,
Personal Assistant(General) to the Collector,
First Floor, Collector Office,



Thoothukudi – 628 101.

6.The District Revenue Officer,
Thoothukudi.

7.The Tahsildar,
Tiruchendur Taluk,
Tiruchendur.

8.The Superintendent of Police,
Tiruchendur.

9.The Deputy Superintendent of Police,
Tiruchendur.

10.The Inspector of Police,
Tiruchendur Taluk,
Thoothukudi District – 628 101.

11.Samuvel Mani @ Sudalai Mani.

12.G.Rajamani

13.Duraipandi : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 10, more particularly, the fourth respondent not to allow the 11th to 13th respondents to put up construction of Church at Subramaniapuram, Kayamozhi Village covered under the property bearing Document No.50 of 2022 or any other place or places in Kayamozhi Village, Tiruchendur Taluk, Tuticorin District by considering the Petitioner's representation, dated 15.07.2023.

For Petitioner

:Mr.P.Ayyachamy



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For Respondents
1 to 7

:Mr.P.Thilak Kumar
Govt. Pleader

For Respondent-8

:Mr.M.Veeenthiran
iGovt.Advocate(Crl.side)

O R D E R

(Order of the Court was made by S.S.SUNDAR,J)

This Writ Petition is filed seeking issuance of a Writ of Mandamus directing the respondents 1 to 10, more particularly, the fourth respondent not to allow the 11th to 13th respondents to put up construction of Church at Subramaniapuram, Kayamozhi Village covered under the property bearing Document No.50 of 2022 or any other place or places in Kayamozhi Village, Tiruchendur Taluk, Tuticorin District by considering the Petitioner's representation, dated 15.07.2023.

2.Mr.P.Thilak Kumar, learned Government Pleader takes notice for the respondents 1 to 7 and Mr.M.Veerenthiran, learned Government Advocate, appearing for the respondents 8 to 10.By consent of both parties, the Writ Petition is taken up for final disposal, at the admission stage itself.

3.This Court is unable to entertain the Writ Petition as a Public



Interest Litigation for the Petitioner's prayer that a Church should not be constructed in the Petitioner's village, merely because most of the population in the village are Hindus.

4.It is the case of the Petitioner that he belongs to the village known as Kayamozhi in Tiruchendur Taluk. It is his further case that most of the people in the said village belong to the Hindu Community and no other people belonging to minority religion are living there. However, the learned counsel would admit that respondents 11 to 13 have substantial properties in the said village, though they are now residing at Chennai and have proposed to put up a new Church in their own land. But the learned counsel for the Petitioner objected for the same stating that construction of a Church in the said village will lead to law and order problem and will bring disharmony among the villagers.

5.This Court is unable to accept the contention of the learned counsel for the Petitioner that Church should not come in the village where most of the population are Hindus. The Petitioner admitted that the person belonging to the same village had proposed to put up a church in the said village. It is the



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constitutional guarantee given to the people belonging to the minority community to establish their place of worship. Article 25 and 26 of our Constitution guarantee the right to practice and propagate one's religion. As long as the place in which the construction of Church is not a public place, the construction of Church in a private land which is not in violation of any law, cannot be prohibited. In such circumstances, the prayer sought for by the Petitioner cannot be granted.

6. In the result, the Writ Petition is dismissed as devoid of merits. No costs. Consequently, connected Miscellaneous Petition is closed.

[S.S.S.R.,J.] [D.B.C,J.]
21.08.2023

Index:Yes/No
Internet:Yes/No
NCC:Yes/No

vsn

To

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S.S.SUNDAR, J.

AND

D.BHARATHA CHAKRAVARTHY, J.

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ORDER MADE IN

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