



W.P(MD)No.9083 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9083 of 2015

and

M.P.(MD)Nos.1 to 3 of 2015

and

W.M.P.(MD)No.9251 of 2016

Pastor E.Slevaraj

... Petitioner

Vs.

- 1.The Secretary,
Ministry of Minority Affairs,
“A” Block, CGO Complex,
Lodhi Road,
New Delhi-110003.
- 2.The Chief Secretary /
Vigilance Commissioner,
Fort St.George,
Chennai-9.
- 3.The Secretary,
State Minority Commission,
Fort St.George,
Chennai-9.
- 4.The Secretary,
Minority Welfare Department,
Fort St.George,
Chennai-9.
- 5.The District Collector,



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Kanyakumari District,
Nagercoil.

6.The Revenue Divisional Officer,
Nagercoil Division,
Nagercoil,
Kanyakumari District.

7.The Tahsildar,
Agasteeswaram Taluk,
Kanyakumari District, Nagercoil.

8.The Superintendent of Police,
Kanyakumari District, Nagercoil.

9.The Deputy Superintendent of Police,
Kanyakumari, Kanyakumari District.

10.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relevant to the order in D.Dis.C3/5654/2015 dated 09.03.2015 passed by the 5th respondent and quash the same as illegal, improper, unreasonable , arbitrary and against the Constitution of India and consequently direct the respondents Nos. 5 to 10 to grant the Church permission to conduct the said prayer meeting as a church in said premises as Old No. 568D, 113/3/5 and New no. 5/143.

For Petitioner : no appearance

For Respondents : Mr.S.RA.Ramachandran
Additional Government Pleader
for R3, R4, R5, R6 & R7
: Mr. Albert James
Government Advocate for R8, R9 & R10



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ORDER

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None appeared for the petitioner on the last occasion. The case is posted under the caption 'for dismissal'. Today also, there is no representation for the petitioner.

2. I went through the contents of the affidavit filed in support of the writ petition. The petitioner challenges the impugned order dated 09.03.2015 passed by the District Collector, Kanyakumari District rejecting the petitioner's request for conducting prayer meetings in the petition mentioned house. Admittedly, the premises are located within the panchayat limits. Rule 4(3) of the Tamil Nadu Panchayat Building Rules, 1997 reads as under:-

“4(3). No site shall be used for the construction of a building intended for public worship or religious purposes without the prior approval of the Collector of the district who may refuse such approval, if in his opinion, the use purpose of the site and building is likely to endanger public peace and order.”

3. The statutory scheme contemplates that the applicant must obtain clearance from the District Collector before putting up the house meant to be used for religious purposes. He cannot put up a house and thereafter, approach the authority for permission. That is like putting the cart before the horse. The



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District Collector is empowered to negative the request made in the aforesaid Rule, if in his opinion, the construction is likely to give rise to law and order.

Kanyakumari District is a communally sensitive District. The historical background has been referred to in the impugned order. In such matters, the writ Court has to defer to executive wisdom. The impugned order is a well reasoned. No case for interference has been made out. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

24.08.2023

Index : Yes / No
Internet : Yes/ No
rmi

To

- 1.The Secretary,
State Minority Commission,
Fort St.George,
Chennai-9.
- 2.The Secretary,
Minority Welfare Department,
Fort St.George,
Chennai-9.
- 3.The District Collector,
Kanyakumari District,
Nagercoil.
- 4.The Revenue Divisional Officer,
Nagercoil Division,
Nagercoil,



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Kanyakumari District.

5. The Tahsildar,
Agasteeswaram Taluk,
Kanyakumari District, Nagercoil.
6. The Superintendent of Police,
Kanyakumari District, Nagercoil.
7. The Deputy Superintendent of Police,
Kanyakumari, Kanyakumari District.
8. The Inspector of Police,
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G.R.SWAMINATHAN, J.

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