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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27810 of 2024
and WMP.No.30322 of 2024

N.Samuel

... Petitioner

Vs.

1. The District Collector,
Coimbatore District.

2. The Tahsildar,
Madukkarai Taluk,
Coimbatore District.

3. The Village Administrative Officer,
Kurichi, Madukkarai Taluk,
Coimbatore District.

4. The Inspector of Police,
D-3, Podhanur Police Station,
Coimbatore City.

5.R.Nagarajan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of certiorarified Mandamus calling for the records of the proceedings before the second respondent in Na.Ka.No.4526/2023/Aa3 dated 13.08.2024 and to quash the same and consequently, forbearing the respondents from in any way interfering with the conduct of prayers by the petitioner at the residential premises situated at No.126C-2A, Gurusamy Pillai Street, Podanur, Coimbatore.



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For Petitioner : Mr.R.Suryakumaran

For Respondents : Mr.U.Bharanidharan, AGP RR1 to 3
Mr.L.Baskaran, GA (Crl side) R4

ORDER

The Writ Petition has been filed seeking to quash the proceedings before the second respondent in Na.Ka.No.4526/2023/Aa3 dated 13.08.2024 and consequently, forbearing the respondents from in any way interfering with the conduct of prayers by the petitioner at the residential premises situated at No.126C-2A, Gurusamy Pillai Street, Podanur, Coimbatore-641 023.

2. The petitioner and his wife purchased a residential property measuring to an extent of 2240 sq. ft. situated at No.268/1, Kurichi Village, Coimbatore Taluk and District and constructed a house in the said land and living there without any interruption till date. In such circumstances, from the year 2010 onwards, the petitioner have been conducting prayer on every sundays in the morning from 8.00 a.m. To 11.30 a.m. Along with his friends and relatives. The petitioner have been paying property tax, electricity charges and water charges regularly. The 5th respondent and others made a complaint before the respondents for not to conduct prayers in the petitioner's own premises. In this regard, the second respondent sent a notice directing the petitioner to produce



the District Collector and District Administration permission to conduct prayer at the petitioner's house on 29.08.2024, which is under challenge.

3. The learned counsel for the petitioner submitted that the impugned order dated 13.08.2024 issued by the second respondent prohibiting the petitioner from offering prayers in the petitioner property which is in violation and the second respondent cannot invoke the said power for conducting prayer at his home which is not vested with him by any Act. Therefore, this Court may set aside the same.

4. The learned Additional Government Pleader appearing for the respondents submitted that the 4th respondent has made a written complaint stating that the petitioner has been conducting jeba kootam in his house on every sunday and also during night hours by creating noise, which cause disturbance to the neighbouring people. Hence, after conducting enquiry, the second respondent sent a notice to the petitioner to produce a copy of the order for granting permission to conduct prayer meeting in the petitioner's house. Without appearing before the concerned authorities, filing the present writ petition is not sustainable.



5. Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

6. It is evident that the petitioner is praying house tax for the said building which is sought to be converted into a prayer hall. Hence, it is evident that originally the building was constructed as a residential house. The criteria of plan approval for a residential building would be completely different from that of a building approval for a prayer hall. The gathering of a large number of people in the said residential area would cause nuisance.

7. A perusal of Rule 6(4) of the Tamil Nadu District Municipalities Building rules 1972 clearly reveals that before construction of a building intended for public worship or religious purposes, permission has to be obtained from the District Collector. In the present case, a residential building has already been constructed prior to 1996 and the same is attempted to be converted into a prayer hall. Hence, the respondent issued a summon for the appearance of the petitioner. Without appearing before the second respondent, the petitioner has filed the present writ petition which is unsustainable.



8. In the result, this Writ Petition is dismissed. No costs. Consequently,
connected miscellaneous petition is closed.

26.09.2024

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To

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M.DHANDAPANI,J
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