



W.P(MD)No.9497 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.9497 of 2018

and

W.M.P(MD)No.8749 of 2018

Hand of Jesus Trust,
Represented by its member G.Gnana Ramesh
... Petitioner

Vs

1.The Government of Tamil Nadu,
Represented by its Secretary to Government,
Municipal Administration & Water Supply Department,
Fort St. George,
Chennai – 600 009.

2.The District Collector,
Kanyakumari District @ Nagercoil,
Kanyakumari District – 600 001.

3.The Revenue Divisional Officer,
Padmanabhapuram @ Thuckalay,
Kanyakumari District.

4.The Tahsildar,
Kalkulam Taluk,
Thuckalay,
Kanyakumari District.

5.The Superintendent of Police,
Nagercoil,
Kanyakumari District.
... Respondents



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PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the third respondent to recall his report dated 09.01.2018 forwarded to the second respondent contradicting the reports of the fourth respondent dated 04.02.2016 & 10.10.2017 and consequently direct the third respondent to resubmit a report in consonance with the reports of the fourth respondent and consequently direct the second respondent to permit the petitioner trust to conduct only prayers with the participation of it's members alone on Sundays, Wednesdays and Fridays without disturbance to the common public in re-survey No.455/31 of Kalkulam Village at Appattuvilai, Kalkulam Taluk, Kanyakumari District, considering the representation of the petitioner trust dated 12.11.2015 within a specified time frame fixed by this Court.

For Petitioner	: Mr.S.Seenivasan
For RR 1 to 4	: Mr.D.Gandhi Raj Special Government Pleader
For R – 5	: Mrs.M.Aasha Government Advocate (Crl.Side)

ORDER

This Writ Petition has been filed for a direction, to recall the report submitted by the third respondent to the second respondent dated 09.01.2018.



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2.The petitioner owned property comprised in re-survey No.455/31 situated at Kalkulam Village, Kuzhicode, Kanyakumari District admeasuring to an extent of 23.5 cents. With due permission, the petitioner constructed an auditorium. Thereafter, the petitioner submitted a request to convert the auditorium into a Pentecostal Church before the second respondent. However, it was not considered and as such, the petitioner was constrained to file a Writ Petition before this Court in W.P(MD)No.3519 of 2011. After direction issued by this Court, the second respondent rejected the request made by the petitioner. Once again, the said rejection order was challenged before this Court in W.P(MD)No.1705 of 2013. This Court permitted the petitioner to conduct marriage in the auditorium and it is open to the petitioner to conduct religious prayer in connection with the marriage alone. However, the petitioner should not be construed as permission given to conduct prayer on a large scale with the involvement of the local public. Once again, the petitioner submitted a representation to convert the auditorium into a Pentecostal Church. However, the said request was rejected in the interest of public order. Thereafter, the petitioner submitted a representation seeking to withdraw the report and to submit a fresh report in consonance with the report submitted by



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the fourth respondent. However, it was not considered and as such, the petitioner approached this Court by way of this Writ Petition.

3.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4.On perusal of the report, which is sought to be recalled/submitted by the Sub-Collector, Padmanabhapuram dated 09.01.2018, would reveal that the Sub-Collector, Padmanabhapuram, rejected the request made by the petitioner on the strength of the earlier orders passed by the second respondent. However, the petitioner failed to add the Sub Collector, Padmanabhapuram as a party to this Writ Petition. But the petitioner added the Revenue Divisional Officer, Padmanabhapuram as if he submitted the report, dated 09.01.2018 and filed this Writ Petition. Without even noting the said fact, the Sub-Collector, Padmanabhapuram filed a counter-affidavit as if the third respondent.



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5.Further, on perusal of the said counter-affidavit would reveal that within 500 meters radius from the auditorium of the petitioner, there is a Hindu Temple and whenever the festival is conducted, there will be tense situations between the Hindu and Pentecostal people. Further, there is R.C. Church at Chemanvilai, another RC Church of Peruvilai and two other Hindu Temples located within 1000 meters radius of the petitioner's auditorium. Therefore, the local people objected heavily to the conduct of prayer meetings in the said auditorium.

6.A perusal of the report submitted by the fifth respondent also clear that there is an apprehension of law and order problem if permission is granted for converting the auditorium into a Pentecostal Church. In fact, already there is a law and order issue, due to which, F.I.R has been registered in Crime No1306 of 2012 for the offences punishable under Sections 147, 294(b), 307 and 506(ii) of I.P.C and Section 3(i) of the TNPPDL Act on the file of the Inspector of Police, Thuckkalay Police Station, Kanyakumari District. Subsequently, it has been culminated into trial in S.C.No.225 of 2015 on the file of the Sub Court, Padmanabhapuram. Though it was ended in acquittal, there would be a chance for law and order



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issues between the two religions. Therefore, the Sub-Collector, Padmanabhapuram rightly submitted the report dated 09.01.2018 to the second respondent.

7.In view of the above, this Court finds no infirmity or illegality in the report submitted by the Sub-Collector, Padmanabhapuram. That apart, it is only a communication between the Sub-Collector, Padmanabhapuram and the second respondent. If at all aggrieved by the report, the petitioner ought to have challenged the report instead of seeking direction as against the Sub-Collector, Padmanabhapuram to recall the report. Therefore, the Writ Petition itself is devoid of merits and the same is liable to be dismissed.

8.Accordingly, the Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes
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G.K.ILANTHIRAIYAN, J.

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