



W.P.(MD) No.23773 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2024

CORAM:

THE HONOURABLE MS.JUSTICE B.PUGALENDHI

W.P.(MD) No.23773 of 2017

and

W.M.P(MD) No.19954 of 2017

T.Suyambu Rajan

... Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Thasildar,
Agasteeswaram Taluk,
Nagercoil.
- 3.The Superintendent of Police,
Kanyakumari District,
Nagercoil.
- 4.The Inspector of Police,
Rajakkamangalam Police Station,
Kanyakumari District.
- 5.The Block Development Officer,
(village Panchayats)
Rajakkamangalam Panchayat Union,
Pazhavilai,
Kanyakumari District.



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6.M.Jones Nayagam

7.J.Beula

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents 1 to 5 to close down the prayer hall of the sixth and seventh respondents in Door No.12/87A, Anantha Nadar Kudi, Anantha Nadar Kudi Post, Kanyakumari District.

For Petitioner : Mr.C.T.Perumal

For R1, R2 & R5 : Mr.A.Baskaran
Additional Government Pleader

For R6 & R7 : Mr.K.Sreekumaran Nair

For R3 & R4 : Mr.M.Vaikkam Karunanidhi
Government Advocate(crl.side)

ORDER

The petitioner, who is the resident of Anantha Nadar Kudi, Kanyakumari District, has filed this writ petition seeking a mandamus to the respondents 1 to 5 to close down the prayer hall of the respondents 6



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and 7 in Door No.12/87A, Anantha Nadar Kudi, Anantha Nadar Kudi Post, Kanyakumari District.

2. The learned counsel for the petitioner submits that Door No. 12/87A of Anantha Nadar Kudi is a residential house and this residential house is now converted as a prayer hall by the respondents 6 and 7 and they are causing nuisance to the adjacent land owners. He further submits that the plan approval for the prayer hall itself was rejected by the second respondent by his order dated 30.11.2013. However, this order was quashed by this Court in WP(MD) No.2152 of 2014. Thereafter, an enquiry was conducted by the first respondent and he directed the respondents 6 and 7 to apply for a plan approval for the prayer hall under Rule 4(1) of Tamil Nadu Panchayat Buildings Rules before the Executive Authority. The application filed by the petitioner before the Panchayat President was rejected by Resolution No.462(2) dated 09.09.2015. Therefore, the attempt of the respondents 6 and 7 to convert the residential house to prayer hall has been rejected by the authorities repeatedly and even then, the respondents 6 and 7 are conducting prayer in her residential building.



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3.The learned counsel for the respondents 6 and 7 relied on the proceedings of the Additional Chief Secretary/Commissioner of Revenue Administration in R.A..VII(1)/215/2023, dated 11.05.2023 and submitted that a similar prayer hall was permitted on the recommendation of the State Human Rights Commission in SHRC Case No.9902 of 2020, dated 12.09.2022. Therefore, according to the learned counsel, in view of the proceedings dated 11.05.2023, the prayer hall of the respondents 6 and 7 can also be permitted in the event, if they are not causing any nuisance.

4.The learned Additional Government Pleader appearing for the respondents 1, 2 and 5 and the learned Government Advocate appearing for the respondents 3 and 4 submitted that the respondents 6 and 7 are using the residential building as a prayer hall and also using loud speaker, with more decibel. They further submitted that the request of the respondents 6 and 7 for conversion of residential building as prayer hall was already rejected and they are conducting the prayer without any authority.

5.This Court considered the rival submissions made on either side.



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6. As per Rule 6(4) of the Tamil Nadu Municipalities Building Rules, 1972, the person must get appropriate permission from the District Collector, if he is intending to use the building for public worship. In this case, the respondents 6 and 7 have also approached the concerned Panchayat for obtaining a permission for using the building as a prayer hall and it was rejected by an order dated 09.09.2015 in Resolution No. 462(2). It appears that the respondents 6 and 7 have not challenged this proceeding. Therefore, they cannot conduct prayer in a residential building.

7. In view of above observations, this writ petition is allowed with a direction to the respondent 1 to 5 to take appropriate action to close down the prayer hall in Door No.12/87A, Anantha Nadar Kudi, Kanayakumari District, if the said residential building is still used as a prayer hall, as expeditiously as possible. No costs.

20.03.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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B.PUGALENDHI,J

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