



W.P.(MD)No.3467 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.03.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.3467 of 2025

K.Rajakumar

... Petitioner

vs.

1.The District Collector,
Kanyakumari District, Nagercoil.

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

3.The Revenue Divisional Officer,
Kanyakumari District, Nagercoil.

4.The Tahsildar,
Agastheeswaram Taluk, Nagercoil.

5.The Inspector of Police,
Rajakamangalam Police Station,
Rajakamangalam Post,
Kanyakumari District.

6.The Executive Officer,
Ganapathipuram Town Panchayat,
Ganapathipuram, Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to



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remove the seal on the shed and permit to use the shed for residential purpose only situated at Survey No.682/2, Neendakarai B Village, Agastheeswaram Taluk, Kanyakumari District based on the representation given by the petitioner, dated 27.01.2025

For Petitioner :Mr.T.Wins
For R1 to R4 :Mr.S.Shaji Bino
Special Government Pleader
For R5 :Mr.K.Gnanaselvan, Government Advocate
For R6 :Mr.J.K.Jayaseelan, Government Advocate

ORDER

The petitioner seeks for a Writ of Mandamus to remove the seal in a shed, which is situated at Survey No.682/2, Neendakarai B Village, Agastheeswaram Taluk, Kanyakumari District.

2.The petitioner is the owner of the property at S.No.682/2, Neendakarai-B Village, Agastheeswaram Taluk, Kanniyakumari District. The petitioner put up a shed in the property. He started using the shed for religious purposes. In order to get approval from the District Collector, Kanniyakumari District, he filed an application to the said authority. The authority had rejected the same. Despite the rejection, the



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petitioner continued to use the premises for religious purpose. Taking note of this fact, a notice was issued by the sixth respondent directing the petitioner not to use the shed for religious purposes. Challenging the same, a Writ Petition came to be filed in W.P.(MD).No.2775 of 2017. This petition was dismissed by this Court on 06.03.2017. An appeal preferred therefrom in W.A.(MD).No.67 of 2018 came to be dismissed as withdrawn on 01.03.2022. In the meantime, the sixth respondent sealed the premises. Hence, the petitioner filed an application seeking approval for the premises to be used as a prayer hall. Since the said application was not considered, he filed W.P.(MD).No.5346 of 2022. This Court directed the District Collector to consider the petitioner's application and pass orders within a period of twelve weeks, by order dated 25.03.2022. The District Collector, Kanniyakumari District in his proceedings, dated 28.06.2022, rejected the said request.

3.This order was put under challenge before this Court in W.P.(MD)No.6533 of 2023. This Court, taking note of the fact that the premises is being used for religious purposes without any approval, dismissed the said Writ Petition on 16.12.2024.



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4.The petitioner states that he has made a representation to the District Collector to remove the lock and seal over the shed on 27.01.2025 with an undertaking that he will utilise it only for storage purpose or family gathering. He also undertook before the District Collector that he utilise it for non religious and non commercial activities. As no positive orders had been passed, he has come forward with this Writ Petition.

5.When the matter came up for admission, Mr.S.Shaji Bino, learned Special Government Pleader took notice on behalf of the respondents 1 to 4, Mr.M.Karunanidhi, learned Government Advocate took notice on behalf the fifth respondent and Mr.J.K.Jayaseelan, learned Government Advocate took notice on behalf of the sixth respondent.

6.Mr.S.Shaji Bino and Mr.M.Karuninidhi, represented that they will get instructions from their respective clients. I adjourned the matter for the said purpose.



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7.Mr.S.Shaji Bino, has obtained written instructions from the Tahsildar, Agastheeswaram Taluk, Kanniyakumari District. In the said instructions, the Tahsildar has pointed out that the petitioner, who claims to be a Pastor, was running a prayer hall without obtaining approval. This caused serious disturbance in the locality and the public of Alangkottai and Ganapathipuram villages protested against the same. Consequent to the protest, on 07.12.2019, the Assistant Director, Town Panchayat of Kanniyakumari District, sealed the premises. Mr.S.Shaji Bino, pleads that there is every possibility that the premises will be utilised for religious purpose, in case, the seals are removed.

8.Mr.M.Karunanidhi, states that there were serious law and order issues on account of the usage of the premises for religious purpose and after the sealing of the premises, there had been no issues.

9.Mr.T.Wins, states that the petitioner will not utilise the shed erected over his property for any religious purposes, but will confine it only for family gathering or for storage purpose.



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10.I have carefully considered the submission of both sides. I have gone through the papers.

11.The petitioner is admittedly the owner of the property at S.No.682/2 of Neendakarai-B Village, Agastheeswaram Taluk, Kanniyakumari District. The existence of the shed is also not in dispute. Problems have arisen on account of the fact the petitioner started utilising the shed, as a prayer hall. It has been a consistent view of the State of Tamil Nadu right from the time of submission of Justice Venugopal Committee report that no place should be utilised for religious purposes without prior approval being obtained from the District Collector. The petitioner had not followed the rules. This entailed the action at the hands of the revenue department. The petitioner applied for permission and it has also been rejected. He unsuccessfully challenged the order of rejection. All those proceedings have made it clear that the premises cannot be used for religious purposes.

12.Today, the petitioner states that he will not utilise the premises for any such activities, which require prior permission from the District



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Collector. He has given an undertaking to this Court on the following

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“I humbly submit that I undertake and assure this Hon’ble Court that the shed situated at Survey No.682/2, Neendakarai B Village, Agastheeswaram Taluk, Kanyakumari District, will be used solely for personal purposes, such as storage, family gatherings, or for any other non-religious, non-commercial activities. I further assure this Court that no religious activities, including prayers, meetings or public gatherings, will be conducted in the shed. The shed will not be used for any form of public worship or spiritual services. I commit to adhering strictly to these terms and to comply with any legal or regulatory requirements set forth by the Court or relevant authorities. In the event of any violation of this undertaking, I will accept full legal responsibility and cooperate fully with the authorities in accordance with the law.”

(emphasis supplied)

13.Since the petitioner states that he will not utilise the premises for any religious purpose, I am inclined to give the following directions:

(1)the fourth respondent or any person authorised by him shall remove the seal placed over the shed at S.No.682/2, Neendakarai-B Village, Agastheeswaram Taluk, Kanniyakumari District.

(2)The petitioner, as per the undertaking extracted above, shall utilise it only for personal purposes and not for any religious purposes.



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(3)In case, it comes to the notice of the revenue or the police authorities that the premises are being put to religious use, they shall forthwith seal the premises;

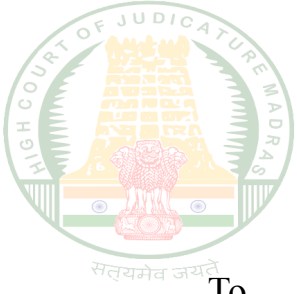
(4)The direction in Clause No.(3) is without prejudice to the rights of the respondents or any residents of the said village to initiate contempt action as against the Writ Petitioner for violating the undertaking given to this Court.

14.The Writ Petition is disposed of with the above directions. No costs.

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

05.03.2025

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V. LAKSHMINARAYANAN, J.

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