



W.P(MD)No.23486 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.09.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.23486 of 2025

S.Selvi

... Petitioner

Vs.

The District Collector,
District Collectorate,
Tirunelveli,
Tirunelveli District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to grant permission to conduct church with prayer hall in the name of Praise Of Fire Ministries situated in Town Survey No.2017, Block 14, T.S.Ward No.8, Door No-55, Tenkasi Road, Palaya Pettai, Tirunelveli District in the light of section 4 of the Tamilnadu Public Buildings (Licensing) Act, 1965 by considering the Petitioner's representation dated 30.06.2025 within stipulated time by this Court.

For Petitioner : Mr.I.Pinaygash

For Respondent : Mr.B.Ramanathan,
Addl. Government Pleader.



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ORDER

Heard both sides.

2.The petitioner wants this Court to direct the respondent to permit the petitioner to run a church in the petition mentioned premises.

3.The learned Additional Government Pleader on written instructions submits that the petitioner through her husband sold the property in favour of one Murugan as early as on 11.07.2008 vide Document No.3323 of 2008. The said Murugan had also subsequently dealt with the property vide Document Nos.1501 of 2017 and 2991 of 2021. But the petitioner claims that there was some understanding between her and the said Murugam and that the said Murugan had acted contrary to the said undertaking.

4.Since the said Murugan has not been impleaded as a party in this writ petition, these aspects cannot be gone into. The fact remains that the petitioner has no title over the property as of now. That apart, it is well



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settled that before constructing a building for public religious worship, prior permission must be obtained from the District Collector. Before constructing the petition mentioned premises, no such prior approval was obtained. It has been held by the Hon'ble Division Bench vide order dated 19.09.2019 in W.P.(MD)Nos.6493 of 2019 etc batch (T.Sekar Vs. Government of Tamil Nadu) that the expression “prior” has to be given its fullest effect. After constructing a building, permission cannot be obtained. That is like putting the cart before the horse.

5.It is also submitted that in W.P.(MD)No.9095 of 2025 in respect of the very same premises, it has already been held that only after getting prior approval, the petitioner can run the church in question. In face of such an order made in W.P.(MD)No.9095 of 2025, I cannot grant any contra relief. The writ petition stands dismissed. No costs.

01.09.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

The District Collector,
District Collectorate,
Tirunelveli, Tirunelveli District.



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G.R.SWAMINATHAN, J.

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