

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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DATED: 01.09.2025**CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P.No.18650 of 2012**

The Gideon Gospel Mission,
Rep. by its Founder and Managing Trustee
and Pastor A.Maniyan, Kottarakonam,
Vellachiparai Post,
Kanyakumari District.

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
R.D. and Local Administration Department,
Fort St. George, Chennai – 600 009.
2. The Special Commissioner and
the Commissioner of Revenue Administration,
Chepauk, Chennai – 600 005.
3. The District Collector,
Nagercoil-629 001,
Kanyakumari District.
4. The Superintendent of Police,
Nagercoil, Kanyakumari District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the respondents especially the first respondent, relating to his proceedings made in letter



No.13687/Vu2/2011-1 dated 06.07.2011 and the consequential proceedings made in letter No.32804/Vu2/2011-1 dated 26.09.2011 together with the consequential proceedings of the third respondent made in Pa.Mu.C3/10247/2010 dated 14.01.2012, quash the same as null and void, illegal and invalid and consequently directing the third respondent / District Collector to accord permission to convert the ground floor of the Community Hall put up in R.S.No.141/12 of Mancode Village, Kanyakumari District as Pentecostal Church and the first floor of the Community Hall as Bible College as convenient to the petitioner in the light of identical order passed in W.P. No.4151/2008 dated 30.04.2008.

For Petitioner : No appearance.
For R-1 to R-3 : Mr.M.Lingadurai,
Special Government Pleader.
For R-4 : Mr.A.Albert James,
Government Advocate.

* * *

ORDER

None appears for the writ petitioner.

2. The writ petitioner applied to the first respondent for converting the ground floor of the community hall as a Pentecostal church and the first floor as a Bible College. The request was rejected by the District Collector, Kanyakumari District vide order dated 14.01.2012. Challenging the same, this writ petition has been filed.



3. One Jeyaraj had opposed the writ petitioner's request and he was also heard by the District Collector before passing the impugned order. It is seen that the petitioner herein had earlier filed O.S.No.430 of 1999 on the file of the II Additional District Munsif, Kuzhithurai seeking the relief of permanent injunction. The District Collector as well as the other revenue authorities were shown as defendants in the said suit.

4. The suit was disposed of on 11.06.2004. A copy of the judgment has been enclosed. A reading of the said judgment indicates that permission was obtained from the local body only for constructing community hall and not for church. In fact Ex.A.7 dated 03.04.1999 is a copy of the proceedings of the Commissioner, Melpuram Panchayat Union. While granting permission, it has been specifically mentioned that since there are serious local objections, as per the undertaking that was given before the local body, the building in question must not be used for any religious purpose. The Village Administrative Officer was examined as D.W.1. He deposed that in the event of breach of the said undertaking, the Government would close down the community hall. Paragraph No.19 of the judgment reads as follows:-



“The learned Government Pleader for defendants 1 to 3 also pointed out that plaint schedule property is the Community Hall and not church. As per Ex.A.7 religious activities should not have conducted. Apart from that there is no objection to grant permanent injunction. Under these circumstances, without any hesitation the permanent injunction is granted in favour of the plaintiff to enjoy the Community Hall in any manner subject to the conditions imposed in Ex.A.7. Such enjoyments of plaintiff cannot be restrained either by defendants or their men and servants. The restricted right of permanent injunction is granted in favour of plaintiff considering the Ex.A.7 in mind. At any manner the plaintiff should not conduct any religious and church activities in the plaint schedule property as conditions imposed in Ex.A.7. Except that all other activities can be done in the plaint schedule property which cannot be restrained by defendants 1 to 3. Since no relief is sought against defendants 4 and 5, this Court is unable to grant relief in favour of plaintiff as against defendants 4 and 5. Accordingly issue No.1 is decided in favour of plaintiff. “

5. The District Collector after perusing the entire materials



on record, noted that in the area in question, there are also two functioning churches and that therefore, acceding to the petitioner's request would definitely lead to law and order issues.

6. Vide order dated **19.09.2019 in W.P.(MD)No.6493 of 2019 etc. batch (T.Sekar V. The Government of Tamil Nadu)**, it has already been held by the Hon'ble Division Bench that before putting a building to public religious purpose, prior approval must be obtained from the District Collector. After getting approval for constructing the community hall, it is not open to the petitioner to seek conversion of the user. Vide order dated **05.03.2025 in W.A. (MD)No.1438 of 2022 (Rev.H.E.Chandra Kumar Vs. The District Collector, Tirunelveli District)**, the Hon'ble Division Bench of this Court had held as follows:-

“9.The statutory rule empowers the District Collector to refuse approval, if in his opinion, public peace and order is likely to be endangered. The words which confer discretion are significant. Primacy is accorded to the opinion formed by the Collector. In P.Ramanatha Ayyar's Advanced Law Lexicon, the expression “opinion” has been defined as meaning judgment or belief based on grounds short of proof. It must be based on such reasons and grounds as seem



good to the person forming such opinion. Rule 4(3) talks about “his opinion”. Of course, the authority cannot form an arbitrary opinion without any basis. When there is proper foundation for the formation of opinion, the writ court would not interfere. Any decision taken by an executive authority is amenable to judicial review. But there are varying standards of judicial review. Some issues deserve a hard look. In some places, a kid glove approach may be adopted. Prof.Schotland spoke about ranking of standards of judicial review according to strictness. To him, the scope of review is a spectrum, with de novo at one end, with unconstitutionality at the other end, and in between a number of “mood points” or degrees of judicial aggressiveness or restraint (cited in *Rajeev Suri v. DDA*, (2022) 11 SCC 1, para 525). We hold that often in matters involving public order, adopting a deferential approach cannot be said to be misplaced. The importance attached to maintenance of public order is evident in the aforesaid Rule. The sub-rule does not talk of granting or according approval. On the other hand, it talks about the power of the District Collector to refuse approval.”

In this case, the order issued by the District Collector is well reasoned. All the relevant aspects have been taken note of. No case



has been made out for interference of the said order. This writ petition stands dismissed. No costs.

01.09.2025

NCS : Yes / No
Index : Yes / No
Internet : Yes/ No

PMU

To:

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R.D. and Local Administration Department,
Fort St. George, Chennai – 600 009.
2. The Special Commissioner and
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