

W.P(MD)No.24820 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.09.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24820 of 2025

Open Door Church,
Represented by its Assistant Pastor,
K.Peter, S/o Thomas,
Ram Nagar, Thadikombu,
Dindigul District.

... Petitioner

Vs.

- 1.The District Collector,
Dindigul District, Dindigul.
- 2.The Thasildar,
Dindigul West Taluk,
Dindigul District.
- 3.The Inspector of Police,
Thadikombu Polcie Station,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to permit the petitioner Sabai to conduct Sunday Prayers in S.No.175/1, Plot No.19, situated at Ram Nagar, Thadikombu, Dindigul District, on the basis of the representation given by the petitioner dated 03.02.2025.



W.P(MD)No.24820 of 2025

For Petitioner : Mr.M.Suresh

For Respondents : Mr.K.S.Selvaganesan,
Addl. Government Pleader for R1 & R2.

Mr.A.Albert James,
Govt. Advocate (Crl. Side) for R3.

ORDER

Heard both sides.

2.One Rev.B.Stephen Devakumar purchased the petition mentioned property through a registered sale deed dated 26.09.2008. A building was subsequently constructed. The writ petitioner is a church and it wants to conduct Sunday prayers in the said premises. Since there was opposition from right wing organizations to the writ petitioner's activities, the prayer meetings could not be held. The petitioner has given a representation to the first respondent to grant permission. Since the representation was not considered, the present writ petition has been filed for directing the District Collector, Dindigul to permit the writ petitioner to conduct such prayers.



W.P(MD)No.24820 of 2025

3.Thadikombu is a Town Panchayat. The provisions of the District Municipalities Act, 1920 and the Rules framed thereunder were originally applicable. Rule 6(4) of the Tamil Nadu District Municipalities Building Rules, 1972 reads as follows :

“(4)No site be used for the construction of a building intended for public worship or religious purposes, without the prior approval of the Collector of the district who may refuse such approval, if in his opinion, the use, purpose of the site and building is likely to endanger public peace and order.

Provided that an appeal shall lie against the Collector's decision to the Government who may issue such orders as they deem fit.”

The petitioner had already put up a building and he ought to have obtained permission from the District Collector before putting up the construction. The question of regularisation did not arise. Even under the Tamil Nadu Combined Development and Building Rules, 2019, for construction of religious buildings, the application must be accompanied by NOC from the District Collector. Even though the new rules do not employ the expression “prior approval”, in effect, the new Rules have not made any departure. The petitioner has not enclosed his building plan approval. In all probability, it is for residential use. After obtaining



W.P(MD)No.24820 of 2025

permission for putting up a residential building, the applicant cannot put it to some other use. These are matters that have law and order implications. In the very nature of things, no direction can be issued to the authority when the petitioner has not made out a case.

4.The Hon'ble Supreme Court in the decision reported in **(1996) 9 SCC 309 (State of U.P and others vs Harish Chandra)** held as follows :

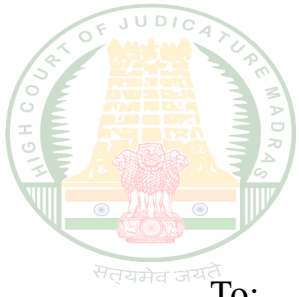
“10.....Under the Constitution a mandamus can be issued by the Court when the applicant establishes that he has a legal right to the performance of legal duty by the party against whom the mandamus is sought and said right was subsisting on the date of the petition. The duty that may be enjoined by mandamus may be one imposed by the Constitution or a Statute or by Rules or orders having the force of law. But no mandamus can be issued to direct the Government to refrain from enforcing the provisions of law or to do something which is contrary to law.”

6.Since the petitioner has not demonstrated the existence of any legal right in him, the question of issuing Mandamus does not arise. The writ petition stands dismissed. No costs.

12.09.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias/skm

4/6



W.P(MD)No.24820 of 2025

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W.P(MD)No.24820 of 2025

G.R.SWAMINATHAN, J.

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W.P(MD)No.24820 of 2025

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