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WP CrI. No. 257 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-02-2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

**WP CrI. No. 257 of 2026
and WPMP CrI.No.72 of 2026**

St.James Syro Malabar Church
Diocese of Ramanathapuram,
Represent by Mr.A.J.Antony
Chinmayamin Nagar,
(Kurinji Nagar),
Veerakeralam Village,
North Taluk,
Coimbatore-641 041.

..Petitioner(s)

Vs

1.The District Collector,
The Coimbatore Collectorate Office,
State Bank Road,
Coimbatore Central,
Coimbatore-641 018.

2.The Commissioner of Police,
Office of the Commissioner of Police,
Huzur road,
Uppilipalayam,
Coimbatore-641 018.

3.The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore-641 001.

..Respondent(s)

Writ Petition is filed under Article 226 of the Constitution of India,
to issue a Writ of Mandamus, directing the respondents to issue appropriate
orders on the representations of the petitioner dated 20.01.2026 and 28.01.2026,



on the file of the respondents 1 and 2 by taking action in accordance with law, restraining forthwith the illegal the interference of the anti-social elements into the lawful construction activities of the petitioner Church, in Survey No.261/1B, as per the Building License No.162/BL/2025/03/040/01382 dated 25.07.2025, ensuring the fundamental and constitutional right of the petitioner community to practice their faith as enshrined under Art.25(1) and 26(b) of the Constitution of India.

For Petitioner(s): Dr.Fr.A.Xavier Arulraj,
Senior Counsel assisted by Ms.A.Arul Mary

For Respondent(s): Mr.S.Santhosh,
Govt. Advocate (CrI.Side) for R1 to R3
Mr.K.P.Pramodh Kumar for Intervenor

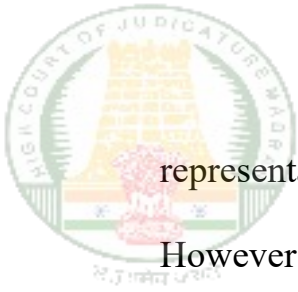
ORDER

This Writ Petition has been filed seeking a direction to the respondents to consider the representations of the petitioner dated 20.01.2026 and 28.01.2026, and to take action in accordance with law by forthwith restraining the illegal interference of the anti-social elements with the lawful construction activities of the petitioner Church, in Survey No.261/1B, pursuant to Building License No.162/BL/2025/03/040/01382 dated 25.07.2025 and thereby, ensuring the fundamental and constitutional rights of the petitioner's community to practise their faith under Articles 25(1) and 26(b) of the Constitution of India.

2. The case of the prosecution is that the 'Syro-Malabar Diocese of Ramanathapuram' is a Catholic diocese, consisting exclusively of Catholics of



Syro-Malabar rite and functioning as a network of churches and service institutions in Coimbatore, Erode, Tiruppur and Karur Districts. The Bishop of the Diocese is the ex-officio President of the registered society. The Diocese purchased land measuring 30 cents in Survey No.261/1B in Veerakeralam Village, Perur Taluk, Coimbatore Corporation limits, under a registered sale deed, for construction of a church. The Diocese applied for planning permission vide Online Application No.SWP/BPA/473525/2025 dated 06.03.2024. Prior to that, a No Objection Certificate was obtained from the District Collector on 20.02.2024, after due verification and reports from the concerned authorities. Subsequently, concurrence was granted by the Directorate of Town and Country Planning and the Coimbatore Local Planning Authority by an order dated 30.05.2025. The Commissioner, Coimbatore City Municipal Corporation, granted building license vide Building license No.162/BL/2025/03/040/01382 dated 25.07.2025 in Planning Permission No.0179/2025/MH1/W. As per the said permission, construction of a church with a plinth area of 863.04 sq.m., including slit and first floor was approved. The foundation stone laying ceremony was scheduled on 18.01.2026 at about 8.30 a.m. and was to be presided over by the Bishop of the Diocese. During the prayer ceremony, a group of about 50 persons led by certain communal elements illegally interfered and disrupted the proceedings on frivolous and baseless grounds. The police, citing law and order issues, halted the construction activity. Consequently, the ceremony was postponed to 11.02.2026. The petitioner submitted



representations on 20.01.2026 and 28.01.2026 seeking police protection.

However, no effective action was taken.

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3. When the matter was listed on 09.02.2026, Ms.Vennila, who is an Advocate, appeared through her counsel, Mr.K.P.Pramodh Kumar and prayed for time to file an intervening application and hence, the matter was listed today.

4. The learned Senior Counsel appearing for the petitioner submitted that the petitioner intended to construct a church in patta land and they had obtained a No Objection Certificate from the District Collector on 20.02.2024 and they have also been granted all permissions by the Director of the Town and Country Planning and also by the Commissioner, Coimbatore City Municipal Corporation. They have also been granted a building plan and building license. The petitioner had arranged the foundation stone laying ceremony on 18.01.2026 and when they were having their prayers, certain persons claiming to be members of a religious outfit, created a ruckus and interfered with the ceremony and prevented the petitioner from laying the foundation stone. Despite the petitioner having requisite permissions to construct the church, the police did not allow them to continue with the ceremony and without taking into consideration that the petitioner is entitled to get along with the construction, had directed third parties to obtain orders from the Court and the police also



prevented the petitioner from conducting the ceremony. Hence, the petitioner addressed representations dated 20.01.2026 and 28.01.2026, to permit them to carry on the construction activity and to give police protection. Due to the inaction on the part of the police, the petitioner has approached this Court by way of this writ petition. He also reiterated that the intervenor has no *locus standi* to file an intervening application and further, the persons who created ruckus are not from the locality and they are from some other area, who cannot have any grievance against the petitioner.

5. The learned Government Advocate (CrI.Side) appearing for the respondents 1 to 3, on instructions from the Inspector of Police, Vadavalli Police Station, submitted that the petitioner had obtained necessary permission from the authorities for construction of a church and that on 18.01.2026, when they were conducting a function to lay the foundation stone, persons numbering more than 100 belonging to Hindu Munnani Party, under the leadership of one Anandbabu, had raised objection for construction of a church in the area and an enquiry was conducted on the same day with both the parties and the said Anandbabu had requested seven days time to approach the Court and get orders. However, the said Anandbabu has not approached the Court and received any order. While so, the petitioner had sent a representation seeking police protection for laying the foundation and to proceed with the construction. He further submitted that on enquiry, it was found that the petitioner has complied



with all statutory requirements and the necessary permission for construction of a church in their patta land has been granted by the authorities.

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6. Ms.Vennila, who is an Advocate, along with her counsel, Mr.K.P.Pramodh Kumar, is present before this Court and they have not filed any intervening application.

7. Mr.K.P.Pramodh Kumar, learned counsel, submitted that there are some procedural lapses on the part of the authorities in granting permission to the petitioner and the petitioner-society has come to this Court with unclean hands and Ms.Vennila, who claims to be a person from the neighbourhood, submitted that they have an apprehension that the dead bodies will be brought to the church for burial and there is a temple nearby and that the petitioner-Society are outsiders who have intended to build a church in their area.

8. Heard the learned counsel on either side and perused the materials available on record.

9. The petitioner-Society seeks police protection to enable it to conduct the foundation-laying ceremony and proceed with construction of a church building in the subject property. It is not in dispute that the petitioner has obtained all requisite statutory approvals and permissions from the competent



authorities. However, when the petitioner-Society intended to lay the foundation stone on 18.01.2026, one Anandbabu, claiming to be a functionary of Hindu Munnani Party, had created problem and prevented the petitioner/Society from proceeding with the construction activity. On enquiry, it was submitted by the respondent Police that the said Anandbabu is not a person from the said locality and he is a stranger to the locality. It was also informed that there is a temple about 200 metres away from the place where the petitioner-Society intended to put up construction of the church. It was also informed by the respondent Police that the residence of the said Vennila is about 150 metres away from the subject property.

10. As stated above, it is not in dispute that the petitioner has obtained all requisite statutory approvals and permissions from the competent authorities. In a country governed by the Constitution, secularism being a basic feature thereof, the State is under a constitutional obligation to ensure that lawful activities of any religious denomination are neither hindered nor selectively interfered with on account of religious identity. Though some persons, including the proposed intervenor, have raised objections, they are not supported by any prohibitory order of a competent civil or statutory authority and therefore, they cannot be justified in obstructing the activity permitted by law. While the neighbours are at liberty to pursue their remedies in the manner known to law, they cannot take the law into their own hands or create obstruction. The Hon'ble



Supreme Court, in plethora of decisions, has repeatedly held that secularism is a basic feature of the Constitution and the State owes equal protection to all religions without preference or prejudice and that maintenance of public order must be ensured in a manner consistent with constitutional neutrality. The right to profess and practise religion under Article 25 of the Constitution of India, subject to public order, cannot be curtailed by private resistance when the proposed activity is lawful. It is the duty of the police to act as neutral custodians of law and order and to ensure that constitutional values are upheld. Further, the act of the local police in succumbing to the pressure of third parties and stalling the petitioner's foundation stone laying ceremony on 18.01.2026 and granting time to third parties to obtain orders from Court is also deprecatory. Taking bodies of dead persons to the church for prayer is a legal act connected with the faith of the petitioner to conduct final prayers and final rites which have been happening in several parts of the country without any hassle. The grievance of the said Anandbabu and his men who are not the locals and the said Vennila, whose house is about 150 meters away from the church and her claim that a temple is nearby the church (but according to the police, it is 200 meters away), cannot be reasonable grounds to prevent the construction of the church. At the cost of repetition, without there being any prohibitory order, they cannot take law into their own hands and disturb the legal act done pursuant to necessary permission.



11. In such circumstances, this Writ Petition stands allowed and the respondent Police are directed to afford necessary and adequate police protection to the petitioner for conducting the foundation-laying ceremony and for carrying out construction activity strictly in accordance with the permissions granted, ensuring that no law and order problem arises. It is made clear that this order shall not preclude any person from pursuing remedies available in law. No costs. Consequently, connected Miscellaneous Petition is closed.

10-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

VKR

Note: Issue order copy on 10.02.2026

To

1. The District Collector,
The Coimbatore Collectorate Office,
State Bank Road,
Coimbatore Central,
Coimbatore-641018.
2. The Commissioner of Police,
Office of the Commissioner of Police,
Huzur road, Uppilipalayam,
Coimbatore-641018.



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A.D.JAGADISH CHANDIRA, J.

VKR

3.The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore-641 001.

4.The Public Prosecutor,
High Court of Madras.

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