



W.P.(MD)No.13764 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.04.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

W.P.(MD)No.13764 of 2024

T.Babu

... Petitioner

Vs.

1.The District Collector / Monitoring Committee,
Kanyakumari District.

2.The Superintendent of Police,
Kanyakumari District.

3.The Block Development Officer,
Munjirai Union Office,
Kanyakumari District.

4.The Inspector of Police,
Kollancode Police Station,
Kanyakumari District.

5.Alexander

... 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 stop all illegal construction of religious institution without any proper approval made in Sy. No.483/5, Methukummal



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Village, Nadaikavu, Killioor Taluk, Kanyakumari District by the 5th respondent herein vide the petitioner's representation dated 20.03.2024.

(Prayer is amended vide order dated 06.04.2026 in W.M.P.(MD)No.13160 of 2024 in W.P.(MD)No.13764 of 2024 by GRSJ & RPJ).

For Petitioner : Mr.D.Saravanan

For Respondents : Mr.G.V.Vairam Santhosh,
Addl. Government Pleader for R1 & R3.
Mr.K.Gnanasekarn,
Govt. Advocate(Crl. Side) for R2 & R4.
Mr.T.S.Mohammed Mohideen for R5

ORDER

(Order of the Court was delivered by G.R.Swaminathan, J.)

Heard both sides.

2.The contest is between the writ petitioner who is a practicing roman catholic and the fifth respondent who is a practicing protestant Christian. Both are residents of in Methukummal Village, Killiyoor Taluk, Kanyakumari District. The petitioner alleges that the fifth respondent is putting up a religious building illegally.



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3.The fifth respondent has filed a counter affidavit. He states that he has put up the construction only after getting approval from the local body. According to him, the first floor is used for residential purpose whereas the ground floor is used as a prayer house. According to him, the ground floor is not a church as such. As per Annexure – XVII of Tamil Nadu Combined Development and Building Rules 2019, the competent authority shall not entertain any building application for construction of buildings in relation to any religious institution unless such application is accompanied with a No Objection Certificate obtained from the District Collector concerned. Earlier, the position was governed by the Tamil Nadu Panchayats Building Rules, 1997. Rule 4(3) of the Tamil Nadu Panchayats Building Rules, 1997, reads as follows:-

“4.Application for approval of sites for building and huts -
(3) No site shall 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 of the site and buildings is likely to endanger public peace and order.”



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5.The question is not whether the fifth respondent has erected a church. The question is whether the building is intended for public worship or religious purposes. If that be so, before putting up the building, prior approval of the District Collector must have been obtained. The learned Additional Government Pleader categorically states that the District Collector's approval has not been obtained. Even a proposal has not been put up to him. In these circumstances, the fifth respondent cannot use the building in question contrary to the statutory mandate. The petitioner cannot seek demolition of the building. However, the building in question cannot be used for any purpose contrary to the aforesaid statutory rule.

6.With the aforesaid declaration in favour of the writ petitioner, this writ petition is disposed of. No costs.

(G.R.S. J.) & (R.P. J.)
06.04.2026

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