

WP No. 20267 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-05-2026

CORAM

THE HON'BLE MR JUSTICE G. R. SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No. 20267 of 2026

AND

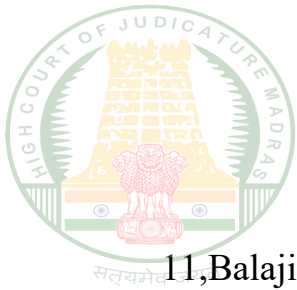
**WMP NO. 21714 OF 2026, WMP NO. 21716 OF 2026, WMP NO. 21717
OF 2026**

Balasubramaniam N,
S/o.Nanjappan,
73A,Mariyamman Kovil Street,
Kalapatty Post,Coimbatore North,
Coimbatore-641048

..Petitioner(s)

Vs

- 1.The Collector,
Coimbatore District,Coimbatore.
- 2.The Revenue Divisional Officer,
Coimbatore North, Coimbatore.
- 3.The Tahsildhar,
Coimbatore North Taluk, Coimbatore.
- 4.The Superintendent of Police, Coimbatore.
- 5.The Joint Commissioner,
Tamilnadu Hindu Religious and Charitable
Endowments, Coimbatore-18
- 6.The President,
CSI Christ King Church,



11, Balaji Nagar, Phase-II,
Cheranma Nagar, Kalapatty Main Road,
Coimbatore-641 049.

7. Mr. Balan @ Balraj,
Mariamman Koil Street,
Kalapatty, Coimbatore-641 048

..Respondent(s)

Calling for the records and quash the impugned order dated 01.06.2023 passed by the 1st Respondent and impugned order dated 10.05.2023 passed by the 2nd respondent in their respective proceedings in Na.Ka.No.25818/2019/E2 and consequently directing the respondents 1 to 3 to remove illegal construction in Old S.No.155/1, (New S.No.1276/3) and Old S.No.155/2 (New S.No.1275) situate at Kalapatty Village, Coimbatore North, Coimbatore which is a government poramboke land and public road.

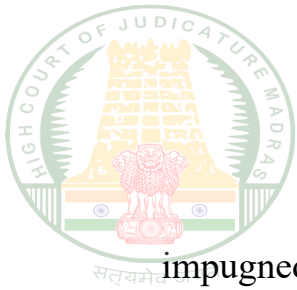
For Petitioner(s): M/s.D.Baskar
E.Ashok Kumar
K.B.Rohith
Pooja J
B.Sankara Narayanan

For Respondent(s): Mr. L.S.M. Hasan Fizal Addl. Govt. Pleader Takes
Notice For Respondents 1 To 3 And 5
Mr. R. Muniyapparaj App For R4
Notice Sent To Respondent 7 . Service Awaited.

ORDER

(By G.R.Swaminathan J.)

The writ petitioner is a resident of Kalapatti which falls within Coimbatore Corporation limit. He has filed this writ petition challenging the



impugned communications issued by the District Collector, Coimbatore District and the RDO, Coimbatore North providing police protection to enable the sixth respondent herein to construct a church in the petition mentioned site.

2. This writ petition has been moved during the vacation sitting of this Court. When it was listed for admission on 21.05.2026, the counsel for the petitioner insisted on issuance of short notice. Even though urgency had been set out in the affidavit filed in support of this writ petition, we called upon the petitioner's counsel to impress upon us as to why we should do so. The learned counsel submitted that following the change of Government headed by the Hon'ble Chief Minister Shri C.Joseph Vijay, certain fundamentalist organisations have become emboldened. He pointed out that the Hon'ble Speaker Shri JCD Prabhakar, who proclaims that he had distributed thousands of free copies of the Bible, quoted biblical verses in his inaugural address to the Legislative Assembly. He also added that when Shri Udhayanidhi Stalin, the leader of opposition, called for annihilation of Sanatana dharma in his address in the Assembly, it was not condemned or even objected to by the ruling party. He drew our attention to the statement of Thiru V.M.S.Mustafa, the recently elected MLA from the temple town of Madurai that annihilation of Sanatana dharma is indeed a policy of the ruling party. He placed on record the fact that



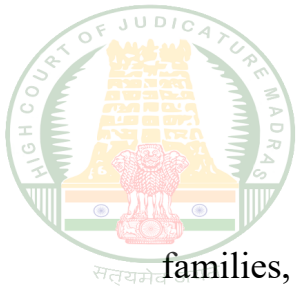
posters have appeared in some parts of Tamil Nadu calling for construction of, churches in every village.

3.Since there has been a disruption in the political eco-system, according to the petitioner's counsel, the construction of a church which was put on hold has been resumed recently. That is why, he states that the petitioner had to rush to this Court seeking relief during its vacation sitting. We, therefore, directed issuance of notice to the contesting private respondent returnable by 29.05.2026.

4.When the matter was listed, the counsel for the sixth respondent/church sought time. In fact, we could have disposed of the writ petition itself as the issue had already been concluded. But we decided to give due opportunity to the contesting respondent to file his counter.

5.The counsel for the petitioner insisted on interim relief. Hence, we had to delve into the facts of the case.

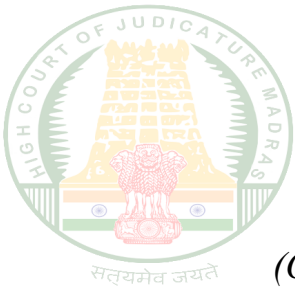
6.It is not in dispute that in Survey No.155/1, a Mariyamman Temple is located. Admittedly, it has been in existence for more than hundred years. According to the petitioner, in the village, there were originally about 350



families, out of which just 3 families professed Christianity. Now, there are thousand families out of them, 950 families profess Hinduism; 15 profess Islam and very few families profess Christianity. Yet, vide order dated 30.01.2010, the then District Collector granted permission for construction of church in Survey No.155/2 in the face of vehement opposition from the Hindus. Hence, O.S No.1378 of 2011 was instituted by the worshippers of the temple before the District Munsif Court, Coimbatore. The suit is still pending. Notwithstanding the grant of permission, since there was severe opposition in the locality the construction could not take place. While so, some thirteen years later, the private respondents tried to resume construction and obtained orders to that effect. Again, law and order problems arose. Peace meetings were conducted. In order to ensure peace, the District Collector appears to have called upon the private respondents to stop work and discontinue the construction.

7. Aggrieved by the same, the Church of South India filed WP No.8128 of 2024. The writ petition was disposed of on 28.04.2026. Paragraph 6 and 7 of the said order read as follows:

“6.Perusal of records reveal that the petitioner Church sought permission to put up additional building in S.No.1276/3

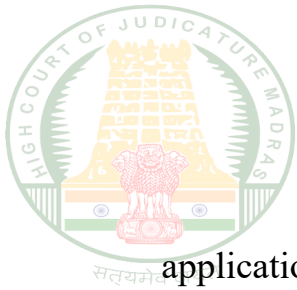


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(Old S.No.155/2), Kalapatty Village, Coimbatore North Taluk and the first respondent granted permission vide proceedings dated 30.01.2010. The records further reveal that a suit in O.S.No.1378 of 2011 seeking to declare the order of the first respondent dated 30.01.2010 as improper and for permanent injunction is pending on the file of the District Munsif Court, Coimbatore.

7.In view of the above, this Court, without expressing any opinion on the merits of the case, since expressing any opinion will adversely affect the interest of the parties in the suit in O.S.No.1378 of 2011, and without interfering with the impugned letter of the first respondent dated 16.06.2023, grants liberty to the petitioner to make fresh application for construction after disposal of the suit in O.S.No.1378 of 2011 on the file of the District Munsif Court, Coimbatore.”

The counsel for the petitioner herein asserts that no church was ever in existence. Therefore, the question of putting up any additional building does not arise. Admittedly, the church is proposed to be put up in Old Survey No.155/2. We perused the revenue records. It is clearly mentioned that S.No.155/2 is a tar road. The Hon'ble Supreme Court had made it clear that religious structures cannot be allowed to come up in roads and road margins (***vide orders dated 29/09/2009 and 31/01/2018 in SLP No.8519/2006***). In any event, in view of the order in WP No.8128 of 2024, the private respondent can make a fresh



application for construction only after disposal of OS.No.1378 of 2011 on the file of the District Munsif Court, Coimbatore.

8.The material on record is utterly insufficient to conclude that the church is to come up on a patta land. Title cannot vest in a private body when the revenue record indicates that it is a public road .In that event, title has to be established by filing a suit. As on date there is no declaration in favour of the Church. As per Annexure 17 of Tamil Nadu Combined Development and Building Rules, 2019, an application for building approval for a religious structure must be accompanied by an NOC from the District Collector. It obviously means that there must be prior approval. This approval cannot be mechanically granted. The authority must go into the need for granting NOC, particularly if there is strong opposition.

9.Undoubtedly, there is a right to practice, profess and propagate religion as per Article 25 of the Constitution. Article 25(1) reads as follows:

“(1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion.”



It is obvious that this right is subject to public order. When the even tempo of public life is disturbed in a given locality, that would also fall within the scope of public order (vide *Arun Ghosh v State of WB ((1970) 1 SCC 98)*).

10. Let us come to the case on hand. Coimbatore is a communally sensitive city. It witnessed bomb blasts and bloody religious riots. The proposed church would come up within a stone's throw from the existing Mariyamman Temple. There are only a handful of Christian families. If a large church is proposed to be constructed in the vicinity of the Mariyamman Temple, mala fide intentions cannot be ruled out. The counsel for the petitioner hints at the possibility of the new building being a centre of conversion activity. We are a secular nation. We are a pluralist society. Religious amity has to be preserved. If a religious right is established, then, it is the duty of the State to aid in its enforcement. The Karnataka High Court in *WP No.46839 of 2019 dated 14.07.2020 (Sanathana Kalakshetra v. BBMP)* held that there is no right to construct temples on a foot path and that this cannot be considered as an essential part of any religion or religious practice which can be protected under Article 25 of the Constitution of India. The revenue record indicates that Survey No.155/2 is a road. The order granting permission to put up a church has not taken note of this aspect. When Hindus constitute an overwhelming majority



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and they vigorously oppose the construction of a church in the immediate vicinity of the temple, then, the authority must not casually brush the objection aside.

10(a).The respondents 1 and 2 ought not to have called for police protection because though the permission was granted in 2010, the construction could not come up for thirteen years on account of the pendency of O.S No.1378 of 2011. Probably that was why stop-work order was subsequently issued. Since the impugned communications are sought to be enforced, there is a need to grant interim order.

11.One of us (VLNJ) vide order dated 22.01.2026 in ***A.Sarath v. The Commissioner, Corporation of Greater Chennai (WP No.49192 of 2025)*** observed that the plea that the idol of Mother Velankanni has been in existence for more than 30 years, is no defence at all and that every minute, nay, second that an illegal superstructure is on a public road or a street, it gives a fresh cause of action to the Commissioner to invoke his power under Section 128 of the Tamil Nadu Urban Local Bodies Act.

12.Considerations could have been different if the construction is on a patta land whose title is beyond dispute and there is no religious structure belonging to other communities in the immediate vicinity or if there is no



opposition. In the case on hand, revenue record indicates that the site is a public road. The location is too close to an old temple. There is also vigorous opposition.

13. We should not be understood as holding that if there is opposition, the State must submit to it. Far from it. If right is established or if the opposition is found to be unreasonable, then, the State should go to any extent to uphold the right.

14. We are satisfied that a prima facie case has been made out. Irreparable hardship and loss will be caused to social amity if interim order is not granted. The balance of convenience is also against the private respondents more so because of the earlier order made in WP No.8128 of 2024. The political scenario may change. But so long as the position of law remains what it is, it is our duty to give effect to the same. When His Lordship Mr. Justice M. Dhandapani had made it clear that after the conclusion of the suit, a fresh application can be submitted for construction of church, it obviously means that till the suit is disposed of, the status quo must be maintained. This order holds good as on date. It is conceded by the respondents that the suit instituted by the Hindu community against the construction of the church is still pending.



Hence, there shall be an order of interim injunction.

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(G.R.S.,J.) & (V.L.N.,J.)
29-05-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SKM

To

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2.The Revenue Divisional Officer, Coimbatore North,
Coimbatore.

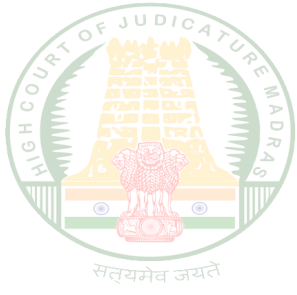
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