

W.P(MD)No.14181 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2026

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI
and
THE HONOURABLE MR. JUSTICE N.DILIP KUMAR

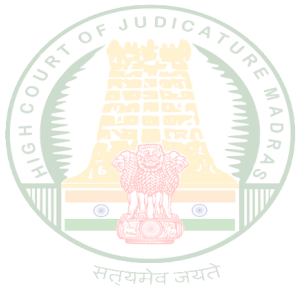
W.P(MD)No.14181 of 2021
and
W.M.P.(MD).No.11128 of 2021

G.Marimuthu

Vs

... Petitioner

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
Sivagangai Division, Sivagangai.
- 3.The Tahsildar,
Manamadurai Taluk,
Sivagangai District.
- 4.The Block Development Officer,
Manamadurai,
Sivagangai District.

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5. The President,
Kalkurichi Village Panchayat,
Manamadurai Taluk,
Sivagangai District.

6. Alen Isaac Devadoss

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in pursuant to the impugned order passed by the first respondent in Na.Ka.No.R2/10400/2021 dated 13.05.2021 and quash the same and remove the new construction of Church building made by the sixth respondent in Survey No.218/7B1B in M.G.R. Nagar, Dhayapuram Village, K.K.Pallam Revenue Village, Manamadurai Taluk, Sivagangai District.

For Petitioner : Mr.Karthikeya Venkitachalapathy

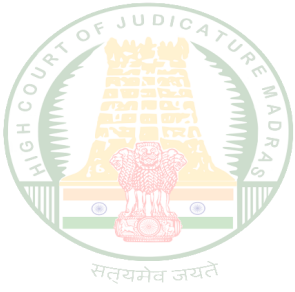
For R-1 to R-4 : Mr.M.Mahaboob Athiff,
Special Government Pleader

For R-6 : Mr.R.Karunanidhi

ORDER

(Order of the Court was made by **M.DHANDAPANI.J.**)

This writ petition has been filed seeking to quash the impugned order passed by the first respondent in Na.Ka.No.R2/10400/2021, dated 13.05.2021, and consequently, to direct the respondents to remove the newly constructed Church building put up by the sixth respondent in Survey No.218/7B1B, M.G.R.



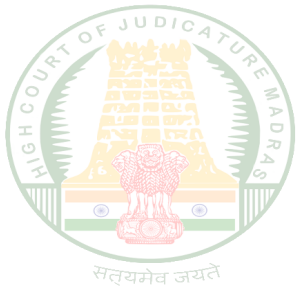
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Sivagangai District.

2. Heard the learned counsel appearing for the respective parties.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a District Executive Committee Member of Hindu Munnani, which is a Hindu social organisation. It is submitted that Muthumariamman Temple is situated at Dhayapuram Village and, in close proximity to the said temple, the sixth respondent has constructed/undertaken reconstruction of a Church building without obtaining prior permission from the District Collector, as required under Rule 4(3) of the Tamil Nadu Building Rules, 1997.

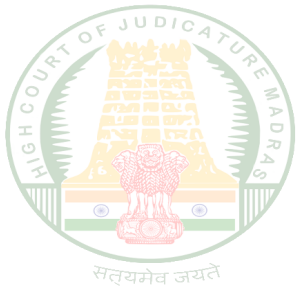
4. It is further submitted that, aggrieved by the said construction, the petitioner had earlier approached this Court by filing W.P.(MD).No.5450 of 2021. This Court, by order dated 28.04.2021, after taking note of the fact that the construction had been undertaken without obtaining prior permission from the District Administration, directed the District Administration to lock and seal the



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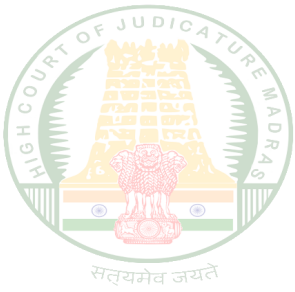
5. The learned counsel for the petitioner would contend that, though this Court had directed the District Collector to consider the application in accordance with law, the District Collector ought to have afforded an opportunity to the local residents and other persons who may be affected by the proposed construction. It is submitted that the Muthumariamman Temple is situated within a distance of about 45 metres from the Church building and that permitting a Christian prayer hall in such close proximity would result in law and order issues in the locality. It is therefore contended that the impugned order granting permission to the sixth respondent has been passed without properly considering the objections raised by the petitioner and the surrounding circumstances. Hence, the petitioner seeks interference with the impugned order.



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6. Per contra, the learned counsel appearing for the sixth respondent would submit that the very averments contained in the counter affidavit filed by the District Collector would establish that an existing prayer hall was situated in Survey No.218/7 in M.G.R. Nagar, Kalkuruchi Village Panchayat, for about 25 years. The sixth respondent only proposed to reconstruct the existing building, as the old structure had become weak and required reconstruction. It is submitted that, pursuant to the order passed by this Court in the earlier writ petition, an application was submitted before the District Collector and, after considering the said application, the impugned order came to be passed granting permission.

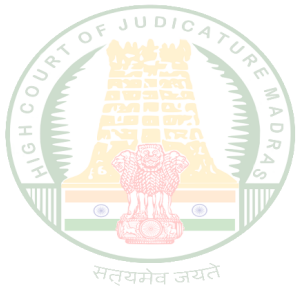
7. The learned counsel for the sixth respondent would further submit that the Church is situated in a private patta land comprised in Survey No.218/7B1B, measuring about 1025 square feet, and the total built-up area is about 1950 square feet. It is submitted that the local body had already granted building plan approval and the same was subsequently considered by the District Collector pursuant to the directions issued by this Court. Therefore, there is no justification for interfering with the impugned order.



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8. It is also submitted that the petitioner is not a resident of M.G.R. Nagar and is residing at Pandiyan Nagar, which is about 9 kilometres away from the locality in question. According to the learned counsel, the existing prayer hall has been in existence for about 25 years and the local people have been peacefully living in harmony. The present construction is only a reconstruction of the existing prayer hall and there is no material to establish that the same would result in any law and order problem. Hence, the learned counsel would pray for dismissal of the writ petition.

9. The learned Special Government Pleader appearing for the official respondents would submit that, with regard to the averments made in paragraph 3 of the affidavit, an application was received from the Laymen's Evangelical Fellowship, M.G.R. Nagar, Kalkuruchi, in the office of the Special Officer/Block Development Officer on 03.09.2018, seeking approval of the plan for reconstruction of the Christian Church building after demolishing the existing prayer hall in Survey No.218/7, M.G.R. Nagar, Kalkuruchi Village Panchayat. Along with the application, the said Fellowship had submitted the relevant

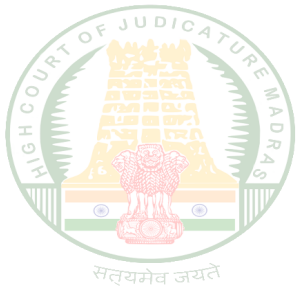


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documents and photographs evidencing the earlier existence of the prayer hall for about 25 years. The reason stated for reconstruction was that the existing building had become structurally weak and was required to be demolished and reconstructed.

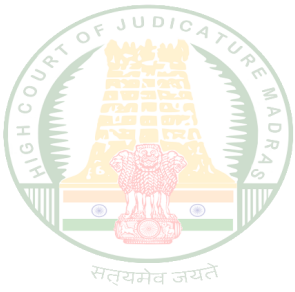
10. The learned Special Government Pleader would further submit that, on receipt of the application and the relevant documents, the plan for reconstruction of the Christian Church building in Survey No.218/7, M.G.R. Nagar, Kalkuruchi Panchayat, to an extent of 1025 square feet out of the total area of 1950 square feet, was approved by the Special Officer of Kalkuruchi Panchayat vide Proceedings in Roc.P/5/2018, dated 04.09.2018. The said proceedings specifically stipulated that the approval would remain valid for a period of 90 days and that the construction should be completed within the said period.

11. It is further submitted that the Laymen's Evangelical Fellowship commenced the reconstruction after obtaining the aforesaid plan approval. Thereafter, one Christian Paul, representing the said Fellowship, submitted a representation to the President/Executive Authority of Kalkuruchi Panchayat

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stating that the construction of the worship hall could not be completed within the stipulated period and sought extension of time. Consequently, the President of Kalkuruchi Panchayat, vide Proceedings in Roc.P/5/2018, dated 01.03.2021, extended the validity of the building plan approval up to 03.09.2021.

12. The learned Special Government Pleader would further submit that, pursuant to the order passed by this Court in the earlier writ petition, the matter was considered by the District Collector. The petitioner is admittedly residing at Pandiyan Nagar and is not a resident of the locality where the Church building and the Muthumariamman Temple are situated. The field inspection report submitted by the second respondent discloses that there is a distance of about 45 metres between the Church building and the Muthumariamman Temple. The report further records that, according to the local residents, worship had been conducted in the said Church building for about 25 years and that they had no objection to the prayer hall. It is therefore submitted that there is no basis for the apprehension expressed by the petitioner that the existence of the prayer hall would result in any law and order problem.

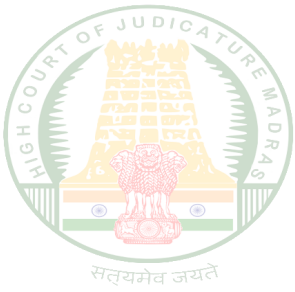


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WEB COPY 13. This Court has considered the rival submissions and perused the materials placed on record.

14. It is not in dispute that there was an existing prayer hall at the subject premises for about 25 years. The materials placed before this Court also disclose that an application for reconstruction of the existing building was submitted as early as on 03.09.2018 and that the local authority had granted plan approval on 04.09.2018. Thereafter, the period of validity of the approval was also extended by the competent authority.

15. More importantly, in the earlier round of litigation, this Court, by order dated 28.04.2021 in W.P.(MD).No.5450 of 2021, had specifically granted liberty to the concerned respondents to submit an application before the District Collector seeking permission and directed the District Collector to consider the same in accordance with law. Pursuant to the said direction, the application submitted by the sixth respondent was considered and the impugned order dated 13.05.2021 came to be passed.

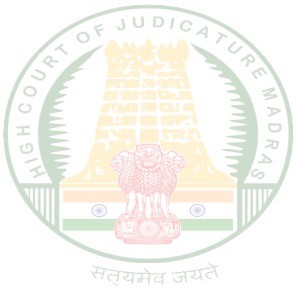


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16. The principal objection of the petitioner is that the Church building is situated within about 45 metres of the Muthumariamman Temple and that the District Collector ought not to have granted permission without taking into consideration the apprehended law and order issues. However, the field inspection report specifically records that the distance between the two religious institutions is about 45 metres and that the local residents, who were enquired into during inspection, stated that worship had been taking place in the prayer hall for about 25 years and that they had no objection to its continuance.

17. In the absence of any material to establish that the construction or use of the prayer hall is in violation of any statutory provision or that the impugned order has been passed contrary to the specific directions issued by this Court in the earlier writ petition, this Court is not inclined to interfere with the decision of the District Collector.

18. The apprehension expressed by the petitioner regarding a possible law and order problem, by itself, cannot be a ground to interfere with an administrative order, particularly when the competent authority has considered the relevant materials and the field inspection report does not disclose any such



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existing dispute or objection from the local residents. The constitutional guarantee of peaceful coexistence of persons professing different faiths cannot be curtailed merely on the basis of an unsubstantiated apprehension.

19. It is also relevant to note that the petitioner is not a resident of the locality in question. Be that as it may, even assuming that the petitioner is entitled to question the impugned proceedings, he has not placed any material before this Court to demonstrate that the impugned order suffers from any illegality, procedural irregularity, arbitrariness or violation of the directions issued by this Court in the earlier writ petition.

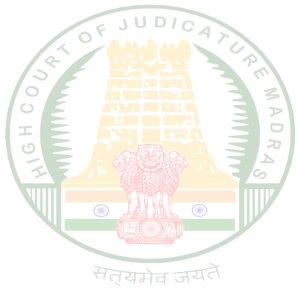
20. In such circumstances, this Court finds no valid ground to interfere with the impugned order passed by the first respondent dated 13.05.2021.

21. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**[M.D.I.,J] [N.D.K.,J]
25.08.2026**

NCC : Yes / No
Index : Yes / No
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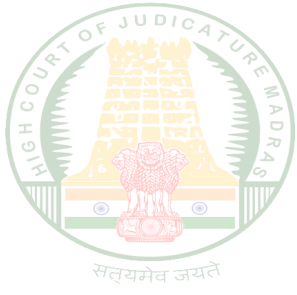
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To

1.The Commissioner,
Madurai Corporation,
Aringar Anna Maligai,
Madurai.

2.The Assistant Commissioner,
Zone II,
Madurai Corporation,
Race Course Road,
Madurai.



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**M.DHANDAPANI, J
AND
N.DILIP KUMAR, J**

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