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W.P. (MD).No.15380 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	Pronounced on
23.09.2026	01.10.2026

CORAM

**THE HONOURABLE MR. JUSTICE M.DHANDAPANI
AND
THE HONOURABLE MR. JUSTICE N.DILIPKUMAR**

**WP(MD) NO. 15380 of 2024
{CNR: HCMD010661602024}**



Case QR

**AND
W.M.P. (MD) NO.13736 OF 2024**

Tirunelveli Diocesan Trust Association
No.5, Punithavathiyar Street
Palayamkottai 627 002, rep. By its
Treasurer/Secrtary, ADJC, Manohar

.. Petitioner

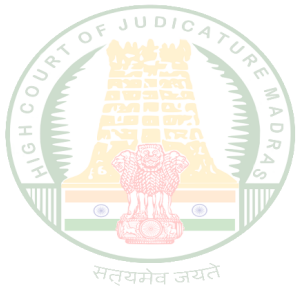
- Vs -

1.The District Collector
Tenkasi District.

2.The Revenue Divisional Officer
Tenkasi District.

3.The Tahsildar
Tenkasi District.

4.The Block Development Officer
Keelapavoor, Tenkasi District.



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5.The Superintendent of Police
Tenkasi District.

6.The Thippanampatti Village Panchayat
Rep. By its President
Tenkasi District.

7.B.Balakrishna Prabu .. Respondents
(R-7 impleaded as party respondent
Vide order of court of even date)

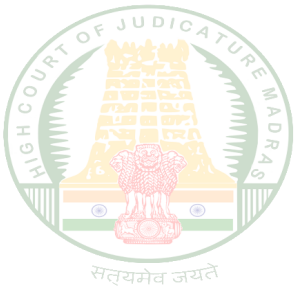
Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus calling for the records relating to the impugned order in Moo.Mo.COLR/2195/2024-C2 dated 25.06.24 on the file of the 1st respondent and to quash the same and further directing the 1st respondent to permit the petitioner to use the building situated in Survey No.264/1 at Nattarpatti Village, Thippanampatti, Keelapavur, Tenkasi District as Church.

For Petitioner : Mr. G.Prabhu Rajadurai

For Respondent : Mr. M.Mahaboob Athiff, Spl. GP
For RR-1 to 4
Mr. I.Murugesan, Counsel for
State of TN for R-5
No Appearance for R-6
Mr. S.Moorthy for R-7

JUDGMENT

M.DHANDAPANI, J.



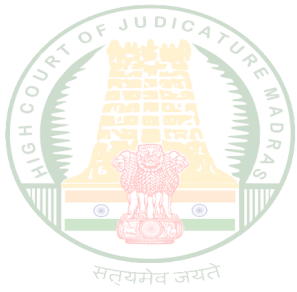
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Assailing the impugned order in and by which the representation of the petitioner seeking approval for conversion of community hall into a Church was rejected and further direction was passed to demolish the building, the petitioner has come before this Court with the present writ petition.

2. It is the case of the petitioner that the petitioner/Association purchased a land in Survey No.264/1 at Nattarpatti Village, Thippanampatti, Keelapavur, Tenkasi District and on the said land, by obtaining necessary permission from the 6th respondent, the petitioner put up a community hall. It is the further case of the petitioner that the said building is being used by Christians living in the said locality to join together and conduct prayer meetings and that the entire congregation comprises of peace loving people and till date no untoward incidents have happened and that the members of the petitioner are maintaining good and peaceful relationship with the persons in the said locality irrespective of faith and religion.

3. It is the further case of the petitioner that as the religious members of Christianity were in need of a regular church to conduct service, the building was converted into a Church and regular Christian service is being conducted on Sundays and other stipulated days over the past 9 years.



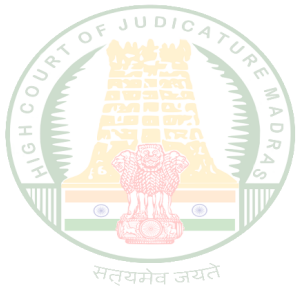
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4. It is the further averment of the petitioner that whiles, the 7th respondent herein, for extraneous reasons, filed W.P. (MD) No.11715/2016 under the guise of a public interest litigation to restrain the respondents from unauthorisedly using the constructed building for Church and upon hearing the parties, on 20.02.2024, this Court directed the petitioner to make an application seeking for construction of Church to the 1st respondent therein and directed the 1st respondent therein to consider the application on merits and pass appropriate orders in accordance with law.

5. Pursuant to the said orders, the petitioner filed an application before the 1st respondent on 4.3.2024 seeking permission to convert the community hall into a church, but the said application was rejected and the 1st respondent further passed orders to the appropriate authorities to remove the building. Aggrieved by the said order, the present writ petition has been filed.

6. Learned counsel appearing for the petitioner submits that the order passed by the 1st respondent reveals complete non-application of mind and is unconstitutional, arbitrary and unreasonable. It is the further submission of the

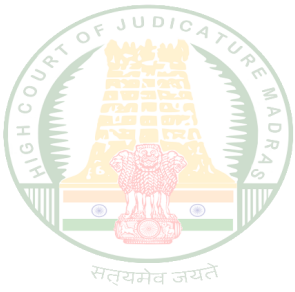


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learned counsel that the 1st respondent has rejected the application on the ground that permitting the Church to continue would create law and order problem in view of the large number of Hindu families residing in the said area is wholly unreasonable as for the last 9 years, the Church is very much in existence and all the persons in the locality, irrespective of Hindus and Christians are leading a peaceful life.

7. It is the further submission of the learned counsel that the Church is functioning without wounding the sentiments and religious feelings of other community persons and the reason assigned by the 1st respondent that there are 450 Hindu families and 10 Christian families in the vicinity of the Church which would create an unhealthy atmosphere for the coexistence of both the communities is wholly unreasonable.

8. It is the further submission of the learned counsel that there is no iota of material to show that the continuance of the Church would affect the peace and tranquillity in the locality merely because more number of Hindu families are residing in the said place. The reason attributed by the 1st respondent to reject the application of the petitioner is perverse and erroneous. It is further submitted that if

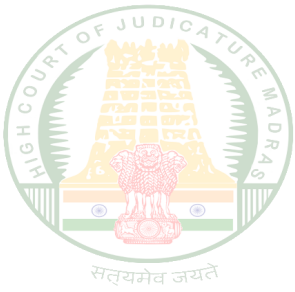


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the impugned order is allowed to be continued, it will cause irreparable loss and hardship to the Christian community residing in the said locality, who are living peacefully without causing any disturbance to the residents in the locality. The impugned order is bereft of any proper reasoning and, therefore, this Court may allow the writ petition with a positive direction to the 1st respondent.

9. Learned counsel appearing for the State, placing reliance on the counter submitted that the impugned order is a speaking order, which has clearly pointed out the reason for denying the application of the petitioner, as considering the petitioner's application affirmatively would have law and order repercussions in the locality.

10. It is the further submission of the learned counsel that permission was granted by the 6th respondent only for constructing a community hall and no permission was given to construct a Spire (Gopuram) and the conversion of the community hall into a Church has been done without the permission of the 6th respondent and the said illegality has been continuing since 2016.

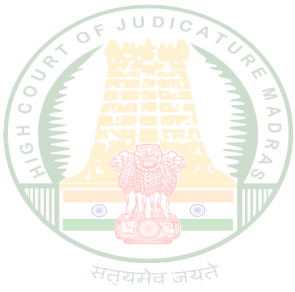


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11. Pointing out to Rule 4 (3) of the Tamil Nadu Panchayats Building Rules, 1997, learned counsel submits that as per the said rule, no site shall be used for construction of a building intended for public worship or religious purposes without the 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.

12. It is the further submission of the learned counsel that pursuant to the directions of this Court in W.P. (MD) No.11715/2016, which was filed in public interest, the 1st respondent had sought for reports from the Revenue Divisional Officer, Tenkasi and Superintendent of Police, Tenkasi, who have given their reports submitting that there exists the possibility of law and order issue if the church is allowed to continue. Considering the aforesaid reports of both the Revenue and Law and Order authorities, and there being no prior approval obtained for the construction of a Spire, the 1st respondent had passed the aforesaid order, which is on the basis of the rule and does not suffer the vice of any illegality and, accordingly, prays for dismissal of the writ petition.



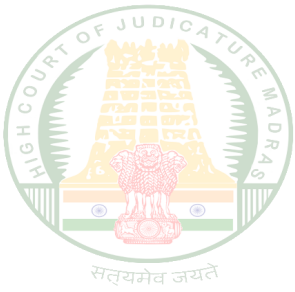
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13. Learned counsel appearing for the newly impleaded 7th respondent, who was the petitioner in the public interest litigation petition in W.P. (MD) No.11715/16 submitted that the unauthorised construction of the building has already been the genesis of a litigation in the year 2016 in W.P. (MD) No.8991/2016 and only on the heels of the said litigation, W.P. (MD) No.11715/2016 was filed and the reason is only to safeguard the peace in the said locality and permitting the construction to continue would only result in law and order issue between the two religious denominations and in the absence of any prior approval obtained from the 1st respondent, the order passed by the 1st respondent cannot be found fault with. Accordingly, he prayed for dismissal of the writ petition.

14. This Court gave its careful consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record.

15. It is the admitted case of the parties that permission was obtained by the petitioner for construction of a community hall and based on the said application, in the year 2014, the 6th respondent had granted permission for putting up a community hall. After obtainment of permission, a community hall was put up by



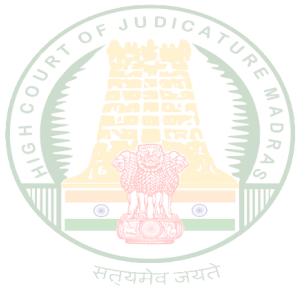
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the petitioner. However, after putting up the community hall, without the approval/permission from the appropriate authority a Spire has been put up by the petitioner on the building, which housed the community hall, thereby, the community hall has been converted as a Church.

16. For the purpose of putting up a religious structure, the Tamil Nadu Panchayats Rules, 1997, more particularly Rule 4 (3) mandates prior approval of the District Collector and the said provision, provides as under :-

“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.”

17. The above provision clearly mandates obtaining prior approval before putting up any building, which is intended for public worship or religious purposes and the District Collector may refuse such approval, if in his opinion the same is likely to endanger public peace and order.

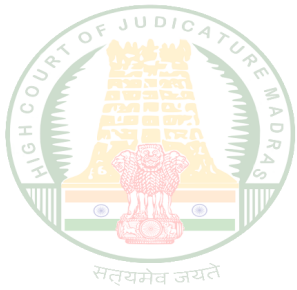


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18. In the present case, it is clear from the materials available on record that approval was given only for the purpose of putting up a community hall. Vide approval dated 20.08.2014, the 6th respondent had given approval for putting up a community hall. It is also borne out by record that initially a building to house a community hall was put up and, thereafter, it is even the admission of the petitioner, that without obtaining any approval, a Spire was put up and that the said building is used for conducting church service and other religious activities related to the church. From the above, it is clearly evident that the said addition in the building is not only put up without permission, but that the said additional construction is a clear infraction of Rule 4 (3) of the Tamil Nadu Panchayat Rules, as the said building is used as a church for religious activities and in such a case, before putting up such a structure, necessarily the permission of the District Collector is necessary.

19. In the present case, the mandate of Rule 4 (3) has not been complied with and necessarily it has to be held that the building put up is a structure, which is illegal and impermissible. However, on the strength of the directions given in the public interest litigation petition in W.P. (MD) No.11715/2016, the petitioner had been given an lifeline to apply to the District Collector for approval of the building to



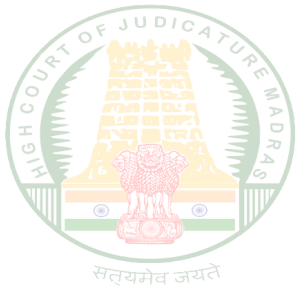
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house a church and on the basis of the said direction, the petitioner has filed an application before the District Collector.

20. This Court, in the aforesaid writ petition, had directed the District Collector to consider the application to be submitted by the petitioner in accordance with law. In compliance of the said directions, the 1st respondent had dealt with the said application and had called for reports from the Revenue Divisional Officer, Tenkasi and the Superintendent of Police, Tenkasi. The specific portions of the report have been culled out in the counter filed by the respondents and the relevant portion is extracted hereunder :-

“10. It is humbly submitted that the 1 respondent before considering the petitioner's application in accordance with law obtained the reports from Revenue Divisional Officer, Tenkasi and Superintendent of Police. Tenkasi.

a. The Revenue Divisional Officer, Tenkasi in his report dated 20.06.2024 has reported that the patta for Survey No. 264/1 is jointly held by 5 individuals. The transfer happened in this survey number has not been mutated yet in the revenue records. It has been further reported after field visit that there exists a possibility of law-and-order issue and hence recommended for not granting approval to the same.

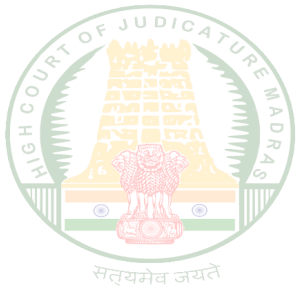


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b. The Superintendent of Police, Tenkasi in his report dated 22.06.2024 has reported that there are around 450 Hindu families from all community resides in the village whereas only 10 Christian families are residing in the entire village. It has been further reported that the petitioner has initially obtained approval only for constructing the community hall. However, in violation to the above approval, the petitioner has constructed 97 feet Spire without obtaining any approval whatsoever from any Government departments/Local body. Challenging the same, a PIL, has already been filed by one Balakrishnan from the same village. Hence, it was recommended that allowing the church in the middle of around 450 Hindu families would lead to law-and-order issues.”

21. The above portion of the counter clearly reveals that before the 1st respondent passed the impugned order, following the legal necessities, the 1st respondent had called for necessary reports from the field, from the Revenue Divisional Officer and the Superintendent of Police regarding the law and order situation that would follow if approval for the religious structure is granted. Based on the report submitted by the said authorities, in which the authorities have opined

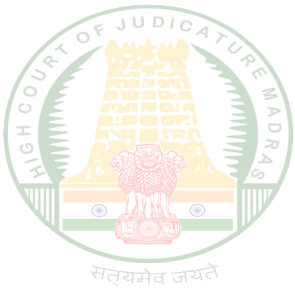


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that giving approval to the religious structure for worship/religious purposes would lead to certain law and order problems, the impugned order had come to be passed.

22. Further, the Government, after finding that the volatility of the issue results in a law and order situation when religious structures are put up, had come up with a standard operating procedure in which there is a clear prescription that where any individual/group intends to put up a religious structure or place of worship, necessarily a 'No Objection Certificate' requires to be taken from the District Collector before seeking approval of the plan for putting up the said construction. The said Government instruction had come to be passed in Letter No. 4398/L&O.B/2023-3 dated 7.3.2024 and following the directions given in the aforesaid instruction, the impugned order of rejection had come to be passed, moreso, considering the report submitted by the authorities, who had expressed their apprehension with regard to the existence of a law and order problem.

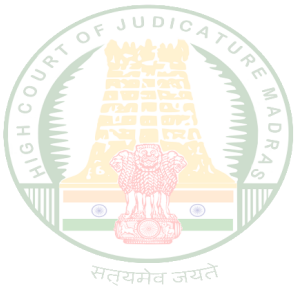
23. From the above sequence, it is clear that the 1st respondent had followed the rule of law and had taken into consideration all the relevant materials, including the provision of Rule 4 (3), which prescribes that if in the opinion of the District Collector, the use of the site and building for worship or religious purposes is likely to



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endanger public peace and order, permission may be refused. In the present case, the authorities have given a report apprehending law and order problem and the peace and tranquillity of the locality being of utmost importance, the rejection order had come to be passed.

24. Further, from the report of the Revenue Divisional Officer, it is clear that predominantly the locality is a Hindu locality with more than 450 families and only about 10 families are professing Christianity and that was also one of the reasons that prevailed upon the authority to apprehend law and order problem. The said apprehension cannot be brushed aside, keeping the current day scenario and this had been taken into account by the 1st respondent. Further, this Court cannot also forget the fact that a public interest litigation had already been initiated by the 7th respondent against the violation caused by the petitioner by putting up a place for religious worship by constructing a building, which did not have the proper legal approval, which is a clear sign that there is definitely a rift between two religious groups, though not it has brewed to a greater extent. Therefore, to diffuse it in the bud, the 1st respondent, tagging in line with the order passed by this Court, had considered all the materials and had rejected the application of the petitioner.



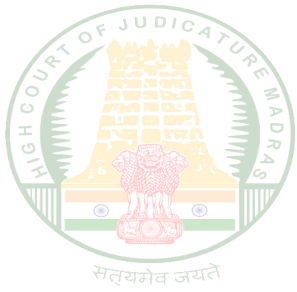
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25. As a consequence of the said rejection, the 1st respondent had called upon the petitioner to demolish/pull down the unapproved structure, which is a necessary corollary upon rejection of the application. Further, necessary directions have also been issued to the authorities to ensure that during demolition no untoward incident takes place. This clearly shows the intention and mind of the 1st respondent in not only adhering to the rule of law, but also ensuring that the peacefulness in the locality between all the people is maintained. Therefore, the resultant order of rejection, which is impugned in the present writ petition, cannot be held to be illegal, unreasonable or arbitrary; rather, it is cogent, reasonable and sustainable and the same does not deserve interference at the hands of this Court.

26. For the reasons aforesaid, this writ petition is dismissed. The order of rejection passed by the 1st respondent stands affirmed. Further, the 1st respondent is directed to take necessary steps to demolish/pull down the unapproved structure and restore the same to the community hall for which approval was granted and the said activity shall be taken up and completed within four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

(M.D.I.J.) (N.D.K.J.)



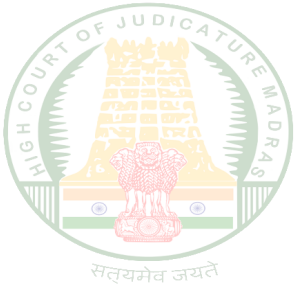
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To

i)The District Collector
Tenkasi District.

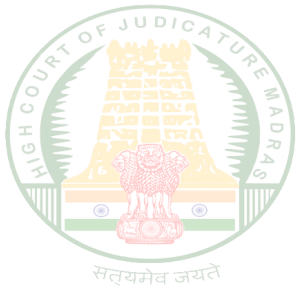
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M.DHANDAPANI, J.

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PRE-DELIVERY JUDGMENT
IN
W.P. (MD) NO.15380 OF 2024

Pronounced on
01.10.2026