



WEB COPY



W.A.No.1570 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

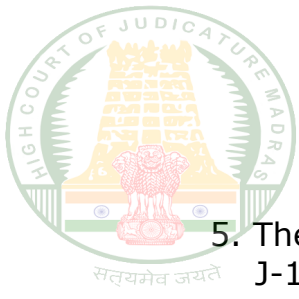
WA No.1570 of 2026
and CMP No.14576 of 2026

Samathana Vazhvu A.G. Jebha Veedu Sabai
Rep by Rajendran, S/o.Shanmugam,
No.108, V.V. Kovil Street, M.G. Nagar,
Taramani - 600 113.

Appellant(s)

Vs

1. Rukkumani
W/o.Munusami,
No.107, V.V. Kovil Street, 100 Feet Road,
TTTI, Taramani - 600 113.
2. The State Rep by
The District Collector,
O/o. District Collector, Chennai - 600 001.
3. The Commissioner of Police
O/o. Commissioner of Police,
Veppery, Chennai.
4. The Tahsildar
Velachery Taluk, Chennai District,
Chennai - 632 001.



W.A.No.1570 of 2026

5. The Inspector of Police
J-13, Taramani Police Station,
Chennai.

WEB COPY

Respondent(s)

PRAYER: Appeal filed under Clause 15 of the Letters Patent to set aside the order passed by the learned Single Judge in WP No.28141 of 2025, dated 31.07.2025.

For Appellant(s): Mr. N.Moorthi

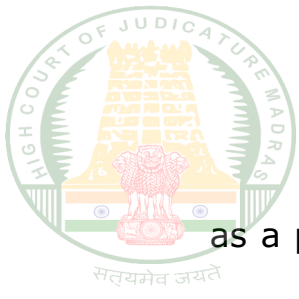
For Respondent(s): Mr.Mohammed Fayaz Ali
Government Pleader
for R2 and R4

Mr.M.Dinesh
Government Advocate (Criminal Side)
for R3 and R5

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

This appeal has been preferred under Clause 15 of the Letters Patent against the order dated 31.07.2025 passed by the learned Single Judge in W.P.No. 28141 of 2025. By the impugned order, the learned Single Judge directed the official respondents to ensure that the appellant herein does not use the subject residential premises



W.A.No.1570 of 2026

as a prayer hall without obtaining prior permission from the District Collector.

WEB COPY

2. The writ petitioner/first respondent herein filed the writ petition seeking issuance of a writ of mandamus to enjoin the appellant (fifth respondent in the writ petition) from operating a church/prayer hall in a residential area without obtaining necessary approvals from the competent authorities.

3. In the proceedings before the learned Single Judge, written instructions were submitted by the Tahsildar, Velachery Taluk (fourth respondent herein). The revenue records revealed that the subject property is situated on *Sarkar Poramboke* land classified as "Indian Institute of Technology" in the village records. It was further observed that the ground floor of the premises was being used for residential purposes, while the first floor was converted and utilized as a prayer hall. Relying on the settled position of law that a residential premises cannot be used as a religious prayer hall without explicitly obtaining the statutory permission of the District Collector, the learned Single Judge disposed of the writ petition with



W.A.No.1570 of 2026

a direction to the official authorities to enforce the regulations, while leaving it open to the appellant to apply for appropriate permission under the rules.

4. Learned counsel appearing for the appellant vehemently argued that the impugned order violates the principles of natural justice as no proper notice was served upon the appellant before the writ petition was disposed of. It is further contended that the appellant's church is a registered trust, functioning peacefully for the last 25 years, and that the right to practice and propagate religion is protected under Articles 25 and 26 of the Constitution of India. The appellant also leveled counter-allegations against the first respondent, claiming that she runs an illegal scrap shop and is an encroacher herself.

5. We have heard the learned counsel for the appellant, examined the grounds of appeal, and perused the documents available on record.



W.A.No.1570 of 2026

6. The primary grievance of the appellant is the alleged lack of an opportunity of being heard. However, on a bare reading of the impugned order, it is clear as crystal that the decision of the learned Single Judge did not turn on any disputed question of fact requiring an elaborate trial, but rather on an admitted position verified through official revenue records. The written instructions filed by the Tahsildar conclusively proved that the premises is located on government land (*Sarkar Poramboke*) and that a prayer hall is being operated on the first floor of a residential building without any prior authorization.

7. The legal proposition regarding the establishment of places of worship or prayer halls in residential areas is no longer *res integra*. Religious activities cannot be carried out in a purely residential neighborhood without obtaining explicit permission of the District Collector under the relevant rules. This regulation is essential to maintain public order, tranquility, and to prevent civic nuisance regarding parking, sanitation, and noise in residential clusters.



W.A.No.1570 of 2026

8. The appellant's invocation of Articles 25 and 26 of the Constitution of India is entirely misplaced. While the Constitution guarantees the right to freely profess, practice, and propagate religion, such rights are not absolute and are expressly subject to public order, morality, and health. The State retains the absolute power to regulate secular or temporal activities associated with religious practices. Fundamental rights cannot be brandished as a license to encroach upon government land or to bypass municipal and regulatory frameworks.

9. Furthermore, the learned Single Judge has not put a blanket ban on the religious activities of the appellant; rather, the order merely directs the appellant to conform to the rule of law by obtaining the requisite permission from the District Collector. It is submitted during the course of arguments that subsequent to the impugned order, the appellant had applied for permission and the application is pending consideration before the competent authority. It is for the appellant to place all these facts before the District Collector, where the application is pending consideration.



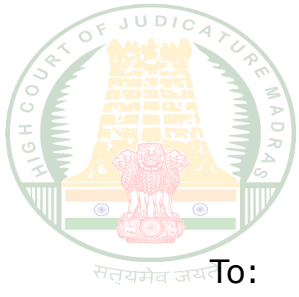
W.A.No.1570 of 2026

10. The allegations regarding the first respondent's scrap shop or public encroachment have no bearing on the legality of the appellant's unauthorized operation of a prayer hall and cannot be used to validate the operation of the prayer hall without any permission from the authorities.

For the aforegiven reasons, the writ appeal is dismissed. The impugned order dated 31.07.2025 passed in W.P.No.28141 of 2025 is hereby confirmed. There shall be no order as to costs. Consequently, interim application stands closed.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
29.06.2026

Index : Yes/No
Neutral Citation : Yes/No
sasi



W.A.No.1570 of 2026

To:
WEB COPY

1. The District Collector,
O/o. District Collector, Chennai – 600 001.
2. The Commissioner of Police
O/o. Commissioner of Police,
Veppery, Chennai.
3. The Tahsildar
Velachery Taluk, Chennai District,
Chennai - 632 001.
4. The Inspector of Police
J-13, Taramani Police Station,
Chennai.



WEB COPY



W.A.No.1570 of 2026

THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(sasi)

WA No.1570 of 2026

29.06.2026