

W.P.No.2036 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 13.06.2025

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

W.P.No.2036 of 2024

AND

W.M.P.No.2172 of 2024

Pastor L.Joseph Wilson
Arise and Shine Church
(Word of God Ministries Trust)
Boozari Street, Athikadai
Kodavasal Taluk
Thiruvarur District

.. Petitioner

Vs.

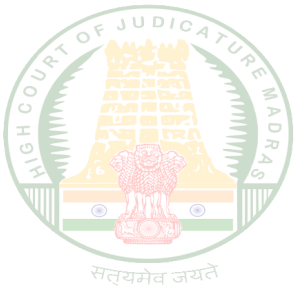
1.The District Collector
Thiruvarur District

2.The Tahsildar
Kodavasal Taluk
Thiruvarur District

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari to call for the records relating to the impugned proceedings bearing No.Pa.Ve.01/2023/A5 dated 20.01.2024 on the file of the 2nd respondent and quash the same.

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For Petitioner : Mr.K.Samidurai
For Respondents : Mr.T.M.Rajangam
Government Advocate

ORDER

This writ petition has been filed challenging the impugned proceedings of the 2nd respondent dated 20.01.2024.

2. The case of the petitioner is that he was running a Trust in the name of "Word of God Ministries Trust". The Trust was established in the year 2007 and patta was also transferred in the name of the Trust in the year 2023. Regular prayer meetings were held in this property with family relatives and neighbours. The petitioner purchased this property on 02.01.2023 in document No.2/2023 and conducting prayer meetings continuously thereafter.

3. The grievance of the petitioner is that a complaint was given against the prayer meetings being conducted in the property and based on the same, an enquiry was conducted by the Inspector of Police, Kodavasal Police Station. Thereafter, the petitioner submitted an application seeking for building permission and plan



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approval for construction of Church. The same was rejected by the 1st respondent. In the meantime, the 2nd respondent issued a notice to the petitioner directing the petitioner to close down the prayer house within a period of 10 days, failing which, action will be initiated against the petitioner. Aggrieved by the same, the present writ petition has been filed before this Court.

4. The 1st respondent has filed a counter affidavit. The 1st respondent has taken a stand that the petitioner cannot run a prayer hall without getting proper permission. That apart, the prayer meetings conducted by the petitioner is causing disturbance to the adjacent neighbours and in the locality. The 1st respondent has relied upon the earlier orders passed by this Court, wherein, this Court held that such prayer meetings in a prayer hall cannot be conducted, without obtaining proper permission under the relevant rules. Accordingly, the 1st respondent has sought for dismissal of this writ petition.

5. The issue involved in the present writ petition is squarely covered by earlier orders passed by this Court. One such order was passed by me in W.P.(MD) No.5226 of 2016 dated 29.04.2021. The relevant portions are extracted hereunder :

“10. On going through the materials that were placed before this Court,



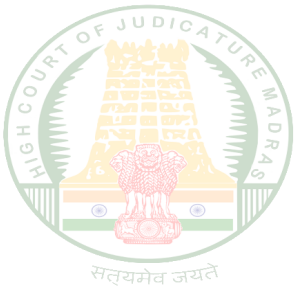
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this Court finds the petitioner, in the guise of conducting prayer meetings, is actually having a full-fledged prayer hall intended for religious purposes where huge congregations take place. The photographs that have been filed as an additional typed set of papers, and which were produced by the petitioner before the District Collector, at the time of the enquiry, substantiate the fact that the premises is actually used as a place of public worship without obtaining the necessary permission under the relevant rules. The fulcrum of any religious faith is "the truth", and no religion tolerates any act which takes a person away from the truth. In the present case, the petitioner who claims himself to be a devout Christian has travelled far away from the truth. The petitioner has attempted to portray as if the premises is being used only for group prayers while the same is being used for huge public gatherings for public worship. It is very clear from the materials placed before this Court.

11. It has been brought to the notice of this Court that the procedures and permissions to be complied with and sought, respectively, in order to construct a building intended for public worship or religious purposes as prescribed under Rule 4(3) of The Tamil Nadu Panchayats Building Rules, 1997 and requirements under Rule 47-A for the development of land in an area other than a planning area as contemplated under The Tamil Nadu Town and Country Planning Act, 1971 have not been complied with by the petitioner.

12. *In Commissioner of Police and Ors. v. Acharya Jagadishwarananda Avadhuta and Ors.*, reported in 2004 (12) SCC 770, the Hon'ble Supreme Court while deciding what would constitute an essential and integral practice in a religion held as extracted hereunder:

"86. The expression "religion" has not been defined in the Constitution and it is incapable of specific and precise definition. Article 25 of the Constitution guarantees to every person, freedom of conscience and right freely to profess, practise and propagate religion. No doubt, this right is subject to public order related to health and morality and other provisions relating to fundamental right. Religion includes worship, faith and extends to even rituals. Belief in religion is belief in practising a particular faith, to preach and to profess it. Mode of worship is an integral part of religion. Forms and observances of religion may extend to matters of food and dress. An act done in furtherance of



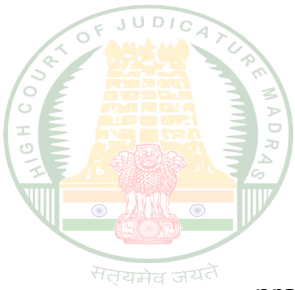
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religion is protected. A person believing in a particular religion has to express his belief in such acts which he thinks proper and to propagate his religion. It is settled law that protection under Articles 25 and 26 of the Constitution extends guarantee for rituals and observances, ceremonies and modes of worship which form part and parcel of religion. Practice becomes part of religion only if such practice is found to be an essential and integral part. It is only those practices which are integral part of religion that are protected. What would constitute an essential part of religion or religious practice is to be determined with reference to the doctrine of a particular religion which includes practices which are regarded by the community as part and parcel of that religion. Test has to be applied by courts whether a particular religious practice is regarded by the community practising that particular practice as an integral part of the religion or not. It is also necessary to decide whether the particular practice is religious in character or not and whether the same can be regarded as an integral or essential part of religion, which has to be decided based on evidence.

87. It is not uncommon to find that those (sic) delve deep into scriptures to ascertain the character and status of a particular practice. It has been authoritatively laid down that cow sacrifice is not an obligatory overt-act for a Muslim to exhibit his religious belief. No fundamental right can be claimed to insist on slaughter of a healthy cow on Bakr Id day. Performance of “sharadha” and offering of “pinda” to ancestors are held to be an integral part of Hindu religion and religious practice. Carrying “trishul” or “trident” and “skull” by a few in a procession to be taken out by a particular community following a particular religion is by itself an integral part of religion. When persons following a particular religion carry trishul, conch or skull in a procession, they merely practise that which is part of their religion which they want to propagate by carrying symbols of their religion such as trishul, conch, etc. If the conscience of a particular community has treated a particular practice as an integral or essential part of religion, the same is protected by Articles 25 and 26 of the Constitution.”



13. It is undeniable from a bare reading of the Bible that congregational prayer is an essential and integral practice in Christianity. The New Testament speaks volumes about how the early church engaged in congregational prayer and why it did so. However, the very same Bible while laying down, what reads like a procedure for prayer in Matthew 6:5 and 6:6 which are the fifth and sixth verses of the sixth chapter of the Gospel of Matthew and part of the Sermon on the Mount, says:

Mat 6:5 "And when you pray, you must not be like the hypocrites.

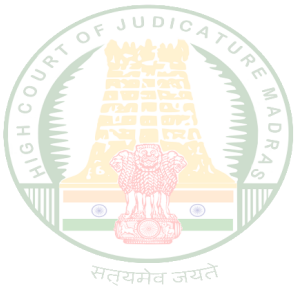
For they love to stand and pray in the synagogues and at the street corners, that they may be seen by others. Truly, I say to you, they have received their reward."

Mat 6:6 "But when you pray, go into your room and shut the door and pray to your Father who is in secret. And your Father who sees in secret will reward you."

14. It can be evidently understood that the Bible does not profess a prayer to be done or conducted in a manner that would warrant gathering of people and usage of amplifiers of any sort in the process, the latter owing to the period during which the text was written. It is therefore, clear from the very text that any sort of prayer contemplated by the religion is directed only towards the father, and it is a very personal and profound connect between the father and the one who is praying. Infact, prayer, across religions and beliefs is considered to be a profound and private bond between the person praying and the divine. It can certainly not be thrown out on stage for public display, and one done that way cannot be construed as prayer in its purest forms.

15. Furthermore, in *Church of God (Full Gospel) in India, v. K.K.R. Majestic Colony Welfare Association and Ors.* reported in (2000) 7 SCC 282, the Hon'ble Supreme Court while deciding a case of noise pollution caused due to such prayer meetings, made observations with regard to the interplay of right to practice religion and its threshold, and the same is extracted hereunder:

"13. In the present case, the contention with regard to the rights under Article 25 or Article 26 of the Constitution which are subject to



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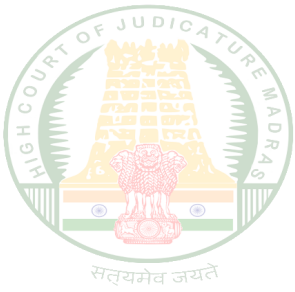
“public order, morality and health” are not required to be dealt with in detail mainly because as stated earlier **no religion prescribes or preaches that prayers are required to be performed through voice amplifiers or by beating of drums. In any case, if there is such practice, it should not adversely affect the rights of others including that of being not disturbed in their activities.** We would only refer to some observations made by the Constitution Bench of this Court qua rights under Articles 25 and 26 of the Constitution in Acharya Maharajshri Narendra Prasadji Anandprasadji Maharaj v. State of Gujarat [(1975) 1 SCC 11] . After considering the various contentions, the Court observed that: (SCC p. 20, para 30)

“No rights in an organized society can be absolute. Enjoyment of one's rights must be consistent with the enjoyment of rights also by others. Where in a free play of social forces it is not possible to bring about a voluntary harmony, the State has to step in to set right the imbalance between competing interests....”

The Court also observed that: (SCC p. 20, para 31)

“A particular fundamental right cannot exist in isolation in a watertight compartment. **One fundamental right of a person may have to coexist in harmony with the exercise of another fundamental right by others and also with reasonable and valid exercise of power by the State in the light of the Directive Principles in the interests of social welfare as a whole.**”

14. Further, it is to be stated that because of urbanization or industrialisation the noise pollution may in some area of a city/town might be exceeding permissible limits prescribed under the Rules, but that would not be a ground for permitting others to increase the same by beating of drums or by use of voice amplifiers, loudspeakers or by such other musical instruments and, therefore, rules prescribing reasonable restrictions including the Rules for the use of loudspeakers and voice amplifiers framed under the Madras Town Nuisances Act, 1889 and also the Noise Pollution (Regulation and Control) Rules, 2000 are required to be enforced. We would mention that even though the Rules are unambiguous, there is lack of awareness among the citizens as well as the implementation authorities about the Rules or its duty to implement



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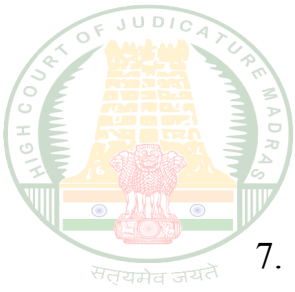
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the same. Noisepolluting activities are rampant and yet for one reason or the other, the aforesaid Rules or the Rules framed under the various State Police Acts are not enforced. Hence, the High Court has rightly directed implementation of the same.”

16. A careful reading of all the judgements cited by the learned counsel for the petitioner as well as the judgements referred *supra* make it very clear that even a religious right cannot be claimed to be absolute. The moment the exercise of such a right affects the rights of others, it must be subjected to reasonable restriction. The rights enjoyed by the citizens, including the fundamental rights, must co-exist in harmony. In the present case, the right of worship that is claimed by the petitioner directly impacts the rights of his neighbours, as explained in the report of the District Collector. Once the prayer meeting assumes such larger proportions resulting in public worship, attended by huge crowds, the very nature of the building changes, and it has to be construed as a prayer hall entertaining public worship. Consequently, the same would require obtaining necessary permission under the relevant rules.

17. In the judgements relied upon by the learned counsel for the petitioner, there seems to have been objections even to conduct prayer meetings, and this Court held that such prayer meetings are an integral part of Christianity and it does not require any permission from any authority, and the same cannot be objected by anyone. Therefore, those judgements will not have any application to the facts of the present case, except for the limited purpose of establishing the integral nature of group prayers in the religion.”

6. It is clear from the above judgment that conducting prayer meetings in a prayer hall requires obtaining permission from the authority concerned under the relevant rules. Hence, the petitioner cannot, as a matter of right, have a prayer hall to conduct prayer meetings without obtaining any permission.



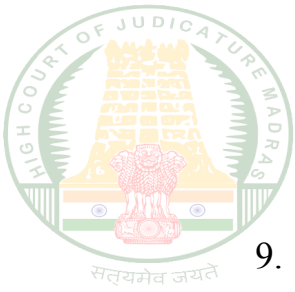
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7. During the pendency of this writ petition, an undertaking affidavit was filed by the petitioner and the relevant portions are extracted hereunder :

“2. I submit that the above case came up for admission on 01.02.2024 and this Hon'ble Court directed me to file undertaking affidavit stating that we will conduct the house prayer in a peaceful manner without creating any problem to the public and without using loudspeaker and microphone.

3. I submit that in the said circumstances I hereby undertake to conduct our house prayer without using loudspeaker and microphone. Hence, the above undertaking be recorded and necessary permission may be granted.”

8. In the above undertaking affidavit, the petitioner has undertaken that he will conduct the house prayer in a peaceful manner without using loudspeaker and microphone. This undertaking given by the petitioner falls short of the undertaking that was expected by this Court. Mere non usage of loudspeaker and microphone will not solve the issue. The crux of the issue is that the petitioner cannot convert a house into a prayer hall to conduct prayer meetings. That requires proper permission from the authorities. Therefore, this Court will be inclined to direct the respondents to remove the seal, only if the property is not used as prayer hall by the petitioner without the permission of the authority concerned.



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9. In the light of the above discussion, there shall be a direction to the 2nd respondent to remove the seal from the property, in order to enable the petitioner to take possession of the property. The property shall not be utilised as a prayer hall for conducting prayer meetings and if the petitioner intends to convert the property into a prayer hall, the petitioner is directed to approach the District Collector and seek for permission. If the petitioner once again attempts to utilise the property as a prayer hall, it is left open to the respondents to proceed further in accordance with law.

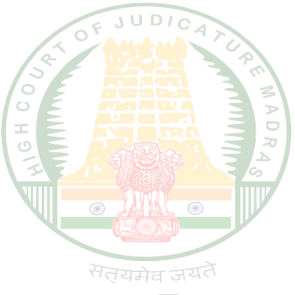
With this clarity, this writ petition is disposed of. No costs. Connected W.M.P. is closed.

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Index : Yes/No

Neutral Citation : Yes/No

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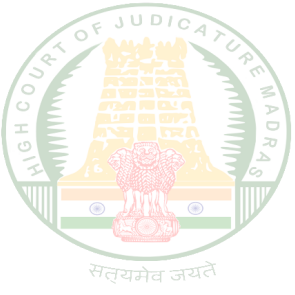
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To

1.The District Collector
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