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W.P.No.22007 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WP No.22007 of 2026
and W.M.P.Nos.23873 and 23874 of 2026

M.Karunanidhi,
S/o. Maruthayappan,
120, Bharathiyar Street,
Dharapuram-638 656,
Tiruppur District.

Petitioner

Vs

- 1.The State,
rep. the Land Commissioner,
Chepauk, Madras.
- 2.The District Collector,
Tiruppur District.
- 3.The Tahsildar
Dharapuram Taluk,
Dharapuram.
- 4.The Chairman
Dharapuram Town Municipality,
Dharapuram,
Tiruppur



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5.The TANGEDCO
Superintending Engineer,
E.B.Office Campus,
Karim Nagar, Avinashi Road,
Tiruppur-641 603.

6.The Chairman
Church of South India,
Trichy Tanjoa, Thirumangalam,
Dharapuram, CSI compound,
Dharapuram.

7.Arul Doss
S/o.Rajamanickam,
204/4, Ward No. 6
(Ambedkhar Street)
Alangiyur Road, Dharapuram,
Tiruppur District.

8.The Church of South India
Trust Association,
Trichirapalli Thanjavur Diocese,
Rep. by its Diocesan Treasurer,
Tiruppur District.

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records bearing No.Moo Mu 12999/2015, dated 27.11.2015, on the file of the 2nd respondent to quash the same and consequently to direct the 4th respondent to demolish the construction erected by the respondents 6 and 8.



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For Petitioners: Ms.R.Pushpalatha

For Respondents: Mr.R.Veeramani
Government Pleader
for R1 to R4

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Heard on admission.

2. Calling into question the impugned proceedings of the second respondent dated 27.11.2015, which grants permission to the seventh respondent to demolish the standing structure and construct a new building at the said location, the petitioner has filed this writ petition, styled as public interest litigation, under Article 226 of the Constitution of India.

3.1. Learned counsel for the petitioner submitted that respondents 6 and 8 are constructing a Church against law in the Government Natham Poramboke land situated in T.S.No.204/4, Chithrauthanpalayam Village, Dharapuram Taluk, Tiruppur District. She would submit the land belonging to the Government cannot be



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assigned and/or permission be granted to construct a religious institution. The impugned order of the second respondent, therefore, is against the provisions of the Tamil Nadu Municipalities Act, 1920 and the Tamil Nadu Municipalities Building Construction Act, 1972. As per Sections 197 and 199 of the Tamil Nadu Municipalities Act, the jurisdiction to grant permission for constructing any building lies with the Commissioner of the Municipality.

3.2. Learned counsel for the petitioner further submitted that the Supreme Court time and again emphasized that Government land cannot be granted to any religious organisation and, under such circumstances, the impugned order passed by the second respondent is untenable and same is liable to be quashed.

4. We have considered the submissions made by learned counsel for the petitioner and also perused the materials available on record.

5. The impugned order was passed on 27.11.2015. The petitioner has filed this writ petition under the garb of public interest litigation after a lapse of 10½ years. No plausible explanation is forthcoming from the side of the petitioner in filing the writ petition



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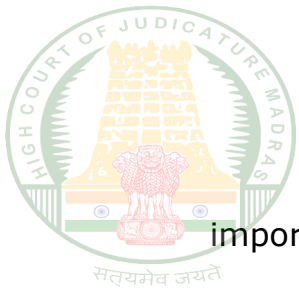
after a period of 10½ years. Therefore, we are of the view that the present writ petition is hit by delay and laches. Delay and laches is one of the factors that requires to be borne in mind by the High Courts when they exercise their discretionary power under Article 226 of the Constitution of India.

6. In ***State of Maharashtra v. Digambar***¹, the Supreme Court held that unless the facts and circumstances of the case at hand clearly justify the laches or undue delay, writ petitioners are not entitled to any relief against any body including the State.

7. In ***Shiv Dass v. Union of India***², the Supreme Court, after referring to its earlier decisions, observed that the High Court does not ordinarily permit a belated resort to the extraordinary remedy, because it is likely to cause confusion and public inconvenience and bring in its train new injustices, and if writ jurisdiction is exercised after unreasonable delay, it may have the effect of inflicting not only hardship and inconvenience, but also injustice on third parties. It was pointed out that when writ jurisdiction is invoked, unexplained delay coupled with the creation of third party rights in the meantime is an

¹ (1995) 4 SCC 683

² (2007) 9 SCC 274



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important factor which also weighs with the High Court in deciding whether or not to exercise such jurisdiction.

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8. From the law enunciated by the Supreme Court, it is clear that inordinate delay in moving the Court for a writ is an adequate ground for refusing a writ. As stated supra, the petitioner has not made any specific asseveration in not approaching the Court earlier and explanation for approaching the Court after a long delay of 10½ years.

9. Coming to the merits of the matter, it is the submission of learned counsel for the petitioner that the land in T.S.No.204/4 has not been approved to construct the Church and that the Church was not in existence for more than 100 years.

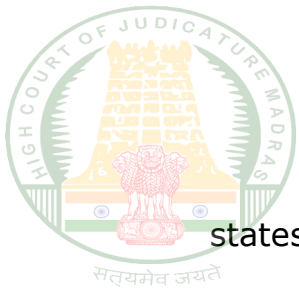
10. We find that the impugned order reflects the reports/proceedings of the (i) Tahsildar, Dharapuram; (ii) Revenue Divisional Officer, Dharapuram; and (iii) District Revenue Officer, Tiruppur. When the President of the Church Administration submitted a petition during the Tiruppur District Collector's Grievance Redressal Day seeking permission to renovate and reconstruct the Church located at Ambedkar Street, Town Survey No.204/4, the authorities



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have made enquiries. In fact, in his report dated 29.7.2015, the Revenue Divisional Officer, Dharapuram, *inter alia*, stated that the oppressed Christian community residing on Ambedkar Street in Dharapuram Town has for a long period established a Church and offered worship at the aforementioned location and the District Collector in his proceedings dated 23.12.2014 has stipulated that any construction of a Church must proceed only after obtaining due permission from the Government or the District Administration. The said report also states that pursuant to the request submitted by approximately 100 Adi Dravidar Christian residents of Ambedkar Street, a recommendation was made to grant permission to renovate and reconstruct the Church that has stood at Dharapuum T.S.No.204/4 for the past 100 years.

11. On a perusal of the translation of the impugned order annexed to the typed-set of papers (Page 91), it is clear that before granting permission for demolition of the standing structure and construction of a new building, the second respondent has called for a report from Tahsildar, Revenue Divisional Officer; District Revenue Officer and the Superintendent of Police and thereafter upon analysing the said reports passed the impugned order. The impugned order also



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states the classification of the land in question and the other lands surrounded and also refers to the previous litigation, being W.P.No.11202 of 2012, instituted by one Samiyathal and the order of this Court dated 30.7.2014 passed in the said writ petition.

12. For ease of reference, the translation of the impugned order is extracted hereunder:

"Mr. Aruldas, son of Rajamanickam, has submitted a petition (as in Ref 1) seeking permission to renovate and reconstruct the Christian church located at T.S. No. 204/4, Ward 6, Ambedkar Nagar, in the village of Sitharavuthampalayam, Dharapuram Taluk, Tiruppur District.

In the letter cited in Ref 2, it is stated that a C.S.I. St. Thomas Christian Church currently stands in a partially constructed state at T.S.No.204/4 (classified as 'Natham' comprising a pulpit and church structure) in Ambedkar Street, Town Survey Ward No.6, Sitharavuthampalayam Village, Dharapuram Taluk. It is further noted that approximately 100 families of Adi Dravidar Christians reside in the vicinity of the aforementioned site, specifically at Town Survey No.2 (Natham). These Adi Dravidar Christian devotees have been worshipping at a C.S.I. Church established at the aforementioned T.S.No.204/4 (Natham pulpit and church) for the past 100 years. Since the original church located at this site was extremely old and in a



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dilapidated condition, construction work for a new church was undertaken solely for the purpose of renovation. At that juncture, Mrs. Samiyathal wife of Mr.Kovilpillai, who resides to the eastern side aforementioned site attempted to encroach upon the area designated as T.S. No. 204/5 (classified as 'Natham' comprising a well and vacant land), which lies immediately above the houses she had already encroached upon and established at Natham Survey No. 204/7, with the intention of expanding her residential structures; consequently, the C.S.I. [Church]. He has reported that a dispute arose between the administration and Mrs. Samiyathal; consequently, the District Collector of Erode issued an order vide Na.Ka.No. 109793/1996/U3, dated January 30, 1999, directing that the Natham vacant land in T.S. No. 204/3 (measuring 3,706 sq. ft.) and the well and Natham vacant land in T.S. No. 204/5 (measuring 7,257 sq. ft.) be recorded in the Prohibitory Order Register. Acting upon this order, the aforementioned T.S. Nos. 204/3 and 204/5 were duly entered in the Prohibitory Order Register, and it was confirmed that there are no encroachments whatsoever on the said survey numbers. Furthermore, he reported that the C.S.I. Church and the vacant land surrounding it are situated in T.S. No. 204/4; that the C.S.I. St. Thomas Church has been established at this location for a long period; and that the Adi Dravidar Christians residing in Ambedkar Nagar which surrounds the church have been worshipping at the said church for many years. He further stated that, as the church building had fallen into a dilapidated condition, a new church structure was being constructed at the aforementioned site with the



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specific objective of renovation; however, the construction work has been halted midway because Mrs. Samiyathal filed a case in the Madras High Court objecting to the construction of the church. Additionally, his report notes that Mrs. Samiyathal filed Writ Petition No. 11202/2012 (along with W.M.P. Nos. 1/2012 and 1/2013) in the Madras High Court. It is noted that, pursuant to proceedings, the Madras High Court issued an order on July 30, 2014, directing the District Collector to conduct an inquiry in accordance with merit and the law regarding the petition dated February 8, 2012, submitted by Mrs. Samiyathal, and to subsequently issue an appropriate order. Acting upon this directive, the District Collector of Tiruppur conducted an inquiry and issued an order (Tiruppur Collector's Ref. No. 15207/2014/B2, dated December 23, 2014) declaring that Mrs. Samiyathal's petition was not admissible. Furthermore, it is observed that the seven houses constructed by Mrs. Samiyathal which constitute an encroachment on Natham Survey No. 204/7 are situated to the east of the C.S.I. Church, while the C.S.I. Church is situated to the north of the houses built by Mrs. Samiyathal. Consequently, there is no likelihood of Mrs. Samiyathal entering the church premises; moreover, the church area is enclosed on three sides by a compound wall. Therefore, it is noted that currently there are no issues at the aforementioned site, nor is there any likelihood of a law-and-order situation arising. However, the Tahsildar of Dharapuram has submitted a report recommending that permission be granted to renovate and reconstruct the aforementioned C.S.I. St. Thomas Church for the purpose of worship by the Adi



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Dravidar Christians residing in Ambedkar Street as the said C.S.I. Church currently lacks a roof and remains an open space, thereby hindering the residents of this area from conducting their worship services. In consideration of the aforementioned recommendation by the Tahsildar and in the interest of public welfare, the said C.S.I. The Dharapuram Revenue Divisional Officer has recommended that permission be granted to renovate and rebuild St. Thomas Church.

With reference to the letter cited in Ref-3 regarding the request for permission to renovate the CSI Christian Church located at T.S. No. 204/4, Ward 6, Ambedkar Nagar, in the village of Sitharavuthanpalayam, Dharapuram Taluk an inquiry was conducted. Based on this inquiry, the Superintendent of Police, Tiruppur District, has reported the following: that the church situated at the aforementioned address has existed for 100 years; that, being a very ancient structure, a request has been made to renovate it; that the renovation of the said church would cause no hindrance whatsoever to the general public or to vehicular traffic; and that, from the perspective of the Police Department, there are no objections to the renovation of the said church.

From the reports submitted by the aforementioned officials, it is evident that, in this specific instance, permission is sought solely to demolish the existing CSI Church building and construct a new structure in its place; furthermore, it is clear that the construction of such a



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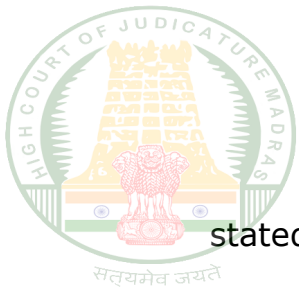
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building would cause no adverse impact on the general public or on vehicular traffic. Therefore, based on the recommendations of the aforementioned officials and in accordance with Rule 6(4) of the District Municipal Building Rules permission is hereby granted, through this order, to demolish the existing structure and construct a new building at the said location, where a building currently stands and is utilized for worship.

It is further hereby notified that, should any violation of rules be observed in this matter, this order shall be immediately revoked.”

(underlining added)

13. Thus, it is clear that upon receipt of the request seeking permission for renovation of the Church, the District Administration has conducted enquiry and satisfied with the existence of the Church on the land in question for 100 years and the condition of the structure, the District Collector has granted permission to demolish the existing structure and construct a new building at the said location. We find that the impugned order of the second respondent is reasoned one and there is no infirmity in it. The petitioner under the garb of public interest litigation cannot challenge the same at this distant point of time. The plea of the petitioner that earlier there was no permission to construct the Church is also not supported by any materials. As



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stated supra, the very existence of the pulpit and church since long has been verified by the District Administration and confirmed the same in the impugned order. Therefore, plea of the petitioner that the existence of the Church for more than 100 years is false is unfounded.

14. The next submission of learned counsel for the petitioner is that the entire extent of 6 acres of land in S.F.No.204/2 is in encroachment by more than 112 families and that the respondent authorities have failed to take action against the encroachers.

15. In order to prove the plea of encroachment, nothing has been produced by the petitioner. When the petitioner alleges encroachment over a particular land, it is his bounden duty to prove that the particular land has been encroached and the details thereof. However, in the instant case, the petitioner has failed to do so. The copy of Town Land Survey Register produced by the petitioner pertains to S.No.204/4. In the absence of any materials, the Court cannot order roving enquiry.



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For all the reasons stated above, the writ petition is dismissed.

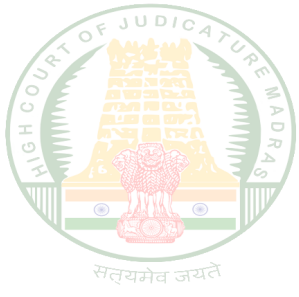
There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
16.06.2026

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

To:

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- 2.The District Collector,
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- 3.The Tahsildar
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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(sasi/bbr)

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