



W.P(MD)No.2789 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 13.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.2789 of 2016

K.Velappan

... Petitioner

Vs

- 1.The District Collector,
Nagercoil,
Kanyakumari District.
- 2.The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.
- 3.The Superintendent of Police,
Nagercoil,
Kanyakumari District.
- 4.The Assistant Director of Town Panchayats,
Nagercoil,
Kanyakumari District.
- 5.The Executive Officer,
Manavalakurichy Town Panchayat,
Manavalakurichy,
Kanyakumari District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified



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Mandamus, to call for the records of the proceedings of the first respondent in D.Dis.C3/31665/2013, dated 03.03.2014 and quash the same and consequently direct the first respondent to give planning approval for renovation of Guru Poojai Samathi by raising the existing Samathi above one foot from the ground level by putting new granite stone over the Samathi, which is situated in Resurvey No.635/13 of Manavalakurichy Village, Kalkulam Taluk, Kanyakumari District.

For Petitioner : Mr.C.S.Lenin
For R1, R2, R4
& R5 : Mr.G.V.Vairam Santhosh
Additional Government Pleader
For R3 : Mr.B.Thanga Aravindh
Government Advocate

ORDER

This writ petition was filed as against the order of the District Collector, Kanyakumari District dated 03.03.2014 rejecting the request of this petitioner for renovation of Guru Poojai Samathi, situated in Resurvey No.635/13, Manavalakurichy Village, Kalkulam Taluk, Kanyakumari District.

2.The petitioner is a retired Private Secretary to the Director of Neiveli Lignite Corporation and he is one of the devotees



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of Manavai Siddhar. The said Siddhar has attained samathi 100 years ago. The Samathi peedam, namely, Siddar Peedam was established in the land in S.No.635/13. Samathi is lying below the ground level and during rainy season, water and waste materials entered into the Samathi, thereby causing discomfort to the worshippers. Therefore, the petitioner wants to renovate the existing Samathi Peedam and applied before the first respondent/the District Collector on 20.08.2013 and the same has been rejected based on the complaint given by Manavalakurichy Pastorate Church. Therefore, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner submits that the Samathi will not come under the category of Temple and the Samathi is worshipped by his family members alone and the Samathi is in existence for more than 100 years. Therefore, they are intending to renovate the Samathi in order to protect the Samathi from rainy water.

4.The learned Additional Government Pleader appearing



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for the respondents 1,2,4 & 5 submits that the District Collector has passed the impugned order based on the reports of the Superintendent of Police, Nagercoil and the Revenue Divisional officer that the Samathi is situated within 200 meters from Manavalakurichi CSI Church and the locality is thickly populated with Christian people. The Superintendent of Police has raised certain objections that if any permission is granted for renovation to the above said Samathi, it will give room for law and order problem. The Revenue Divisional officer is also on the same lines that of the Superintendent of Police, Nagercoil.

5.The learned Additional Government Pleader appearing for the respondent by referring the counter affidavit submits that Kanyakumari District is a sensitive area and there are frequent quarrel between Hindu and Christian people and after the Mandakadu incident, a Commission headed by Justice Venugopal was appointed in the year 1986. Pursuant to the recommendations of the Committee, Tamil Nadu Municipalities (Buildings) Rules,1972 was amended and Rule 6(4) was introduced that there cannot be any



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religious construction without any approval/concurrence from the District Collector of the respective District. The District Collector has considered the application of this petitioner and has also obtained the view of the Superintendent of Police and the Revenue Divisional Officer. The Superintendent of Police as well as the Revenue Divisional Officer have raised certain objections that grant of permission would lead to law and order problem as the Samathi was situated within 200 meters from the existing Church and also the area is a thickly populated with Christian people.

6.In view of the above, this Court is not inclined to interfere with the orders of the District Collector. Accordingly, this writ petition is dismissed. No costs.

13.12.2023

NCC: Yes/No
Index: Yes/No
Internet: Yes
vrn



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B.PUGALENDHI, J.

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