

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE M.SATHYANARAYANAN

W.P.No.741 of 2004
and
WP.M.P.Nos.771 and 4056 of 2004 and 59 of 2005

M.John Ayyadurai, Pastor,
Indian Pentecost Society,
Kodaikanal.

...Petitioner

-vs-

1. The State of Tamil Nadu,
by its Secretary to Govt.,
Municipal Administration and Water Supply Dept.,
Fort St. George,
Chennai.
2. The District Collector,
Dindigul District, Dindigul.
3. The Commissioner,
Kodaikanal Municipality,
Kodaikanal, Dindigul District.
4. The Deputy Director,
Town and Country Planning, Madurai.
(R-4 impleaded as per Order of Court
dt. 23.04.2010 in W.P.2567/1998, etc. batch)

...Respondents

Petition filed under Article 226 of the Constitution of India
praying for issue of Writ of Mandamus to forbear the respondents from
demolishing the petitioner's building situated at Ward-B, Block
No.18, T.S.No.10, Pambarpuram Kodaikanal, without passing orders on
the application for building plan submitted by the petitioner dated
14.01.2004 by following due process of law.

For Petitioner : M/s.R.Gowri

For Respondents : Mr.S.T.S.Moorthy,
Govt. Pleader, for RR 1 and 2

Mr.S.Kadarkarai for R-3

Mr.T.Mohan for R-4

O R D E R

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

It is now not in issue, in view of the stand of the parties, that the building plan stands rejected and in view of our last order dated 27.04.2015, the present petition has, thus, become obviously infructuous.

2.Learned counsel for the petitioner states that the plan in question had to be considered on a mixed land use parameters and not as agricultural land. On our query, learned counsel admits that the sanction, which was sought was for the Pastor's house, but the area has been made into a prayer hall, where naturally outsiders would also come in.

3.Learned counsel for the fourth respondent, however, points out that prior permission of the Collector is required under Rule 4 (6) of the Tamil Nadu District Municipalities (Hill Stations) Building Rules, 1993, before it can be used as a Prayer Hall. Thus, while sanction has been sought for one use, what has been made is for some other use.

4.Be that as it may, in any case, the present petition has become infructuous and is accordingly, disposed of. No costs. Consequently, connected M.Ps. stand closed.

5.The respondent authorities may now proceed in accordance with law qua the unauthorised construction. In case, the petitioner wants any remedy, that can only be in accordance with law before the concerned authority.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Secretary to Govt. of Tamil Nadu,
Municipal Administration and Water Supply Dept.,
Fort St. George,
Chennai.
2. The District Collector,
Dindigul District, Dindigul.
3. The Commissioner,
Kodaikanal Municipality,
Kodaikanal, Dindigul District.
4. The Deputy Director,
Town and Country Planning, Madurai.

1 CC to M/s.R.Gowri, Advocate SR.No. 34807

1 CC to the Government Pleader, SR.No. 35018

1 CC to Mr.S.Kadarkarai, Advocate SR.No. 34881

1 cc to Mr.T.Mohan, Advocate, sr.35211 (27/10/2015)

W.P.No.741 of 2004

KU (CO)
PSI (23.07.2015)

सत्यमेव जयते

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