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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2015

CORAM:

THE HONOURABLE Mr.JUSTICE R.SUBBIAH

W.P. (MD) No.13960 of 2015

and

M.P. (MD) No.1 of 2015

The Petecostal Mission
Roche Colony Branch,
Tuticorin,
Rep.by its Brother Ebenezar
No.22/8, South Brach Road, Roche Colony,
Tuticorin District

... Petitioner

Vs.

- 1.The Director of Town and Country Planning,
Annasalai, Chennai 600 002.
2. The Local Town Planning Authority,
Rp.by The Secretary, 51, West Mada Street,
Tuticorin.
- 3.The Commissioner,
Thoothukudi Municipal Corporation,
Thoothukudi.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent herein to pass orders as expeditiously as possible in the statutory appeal preferred by the Respondents petitioner on 21.04.2015 till such time forbearing the respondents 2 and 3 from implementing the proceedings of the 2nd respondent dated 06.03.2015 in Na.Ka.No.153/2015 TNPA.

For Petitioner : Mr.Veera Kathiravan

For Respondents : Mr.G.Muthukannan, G.A. Takes notice

ORDER

The Writ petition has been filed for issuance of a Writ of Mandamus, directing the 1st respondent to pass orders in the statutory appeal preferred by the petitioner on 21.04.2015 and till such time, forbearing the respondents 2 and 3 from implementing the proceedings of the 2nd respondent dated 06.03.2015 in Na.Ka.No.153/2015 TNPA.

2.Mr.G.Muthukannan, learned Government Advocate takes notice for the respondents. By consent, the Writ petition itself is taken up for final disposal.



3.The petitioner is a Society registered under the Tamil Nadu Societies Registration Act, 1975. The object of the petitioner Society is to run religious institution and also have a right to worship and administration of Churches through out the state of Tamil Nadu. The petitioner is the brother attached to the Roche Mission of Tuticorin. The petitioner has purchased a land on 07.03.1997 in T.S.No.1114/part within Tuticorin Corporation in Ward No.1, Block No.7 and he is conducting prayer meetings in the said premises. The petitioner also purchased Plot Nos.18, 19 and 20 in the Roche Colony and put up prayer house and the same is in existence for more than 20 years from 1997 onwards and every Sunday, prayer meetings have been conducted in the said prayer house.

4.The grievance of the petitioner is that one R.A.Joseph Kingston has filed a Writ petition, alleging that there was noise pollution, while conducting prayers and also alleged that there were un-authorized constructions. The said Writ petition was disposed with a direction to consider the objections. Whiles, the respondents 2 and 3 have initiated proceedings against the petitioner, as if, the petitioner has not obtained prior permission for construction from the Town and Country Planning Authority under Sections 56 and 57 of the Act. The request for ratifying the approval of the said building, has also been rejected by a proceedings dated 06.03.2015. The said order of rejection is an appealable order before the 1st respondent. Hence, the petitioner has preferred an appeal before the 1st respondent on 21.04.2015, praying to grant an interim order. The said appeal is pending before the 1st respondent for a long time. Hence, the petitioner is before this Court with the present Writ petition.

5.When the matter is taken up for hearing, the learned Government Advocate appearing for the respondents submitted that the appeal filed by the petitioner has been assigned number as APP.No.7266 UDFAI and the same would be disposed of as expeditiously as possible.

6.Considering the submissions made on either side, the Writ petition is disposed of, directing the 1st respondent to dispose of the appeal in APP.No.7266 UDFAI on merits and in accordance with law, within a period of 8 weeks from the date of receipt of a copy of this order.

7.Till such time, status quo as on date shall be maintained.

No costs. Consequently, connected M.P.is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar



To

1.The Director of Town and Country Planning,
Annasalai,Chennai 600 002.

2.The Secretary,
The Local Town Planning Authority,
51, West Mada Street,
Tuticorin.

3.The Commissioner,
Thoothukudi Municipal Corporation,
Thoothukudi.

+1cc to M/S.Veera Kathiravan, Advocate in SR.No 44479

TS/07.08.2015/3P - 5C KBM/SAR -II

W.P. (MD) No.13960 of 2015

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