



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2015

CORAM:

THE HONOURABLE Mr.JUSTICE R.SUBBIAH

W.P. (MD) No.14219 of 2015

and

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

Rev.A.Arul

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Kanyakumari.

2.The Superintendent of Police,
Kanyakumari District,
Kanyakumari.

3.The Revenue Divisional Officer,
O/o the Revenue Divisional Officer,
Nagercoil, Kanyakumari District.

4.The Thasildar,
O/o the Thasildar,
Thovalai Taluk,
Kanyakumari District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to grant approval for the petitioner's building in Survey No.80/4B, Thiruppathisaram Village, Thovalai Taluk, Kanyakumari District and consequently, forbear the respondents not to interfere in the prayer sessions and performance of the other religious rituals conducted in the petitioner's building in door No.7/104B, Thiruppathisaram Village, Thovalai Taluk, Kanyakumari District.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.M.Murugan, G.A.

ORDER

The Writ petition has been filed to issue a Writ of Mandamus, directing the 1st respondent to grant approval for the petitioner's building in Survey No.80/4B, Thiruppathisaram Village, Thovalai Taluk, Kanyakumari District and consequently, forbear the respondents not to interfere in the prayer sessions and performance of the other religious



rituals conducted in the petitioner's building in door No.7/104B, Thiruppathisaram Village, Thovalai Taluk, Kanyakumari District.

2.The case of the petitioner is that the petitioner is a Reverend in Kirubaiyien Koodaram Church from the year 2004 onwards and he is conducting prayer and other activities for promotion of Christianity in the petitioner's building in Door No.7/140B, Thiruppathisaram Village, Thovalai Taluk for the past 12 years. The petitioner has decided to construct a new building in the above said place and that the petitioner applied for granting permission for construction of the church building before the 1st respondent on 28.06.2014. On 27.06.2014 by a proceedings in Na.Ka.No.A2/3548/2013, stating that for constructing of a building, the petitioner should get prior approval from the District Collector and the petitioner should not conduct any religious prayers in the petitioner's building. Thereafter, again the petitioner applied for granting plan approval for the new building on 13.10.2014 with all relevant documents. The Chairman, State Minority Commission by a proceedings dated 30.06.2014, has directed to take appropriate action based on the petitioner's building plan. In these circumstances, one Nagendhran had preferred a complaint before the Aralvaimozhi police station stating that if a church building is put in the petitioner's place, agitations would be conducted against the petitioner. Hence, the petitioner is before this Court with the present Writ petition.

3.The learned counsel appearing for the petitioner would submit that it would be suffice if the representation of the petitioner dated 13.10.2014 is disposed of, by the 1st respondent, on merits and in accordance with law within the time stipulated by this Court.

4.The learned Government Advocate appearing for the respondents would submit that the representation of the petitioner will be considered in accordance with law.

5.In view of the above, without going into the merits of the claim made by the petitioner in this Writ Petition, the 1st respondent is directed to pass appropriate orders on the representation of the petitioner, dated 13.10.2014, on merits and in accordance with law, after giving notice to the interested parties, if any, for granting building plan approval, within a period of eight weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected M.P.is closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar



nbj

To

1.The District Collector,
Kanyakumari District,
Kanyakumari.

2.The Superintendent of Police,
Kanyakumari District,
Kanyakumari.

3.The Revenue Divisional Officer,
O/o the Revenue Divisional Officer,
Nagercoil, Kanyakumari District.

4.The Thasildar,
O/o the Thasildar,
Thovalai Taluk,
Kanyakumari District.

+1CC to Mr.T.Lajapathi Roy Advocate Sr.No.48229

+1CC Spl.Government Pleader Sr.No.48452

GJM/SKS/RR/SARJ-8.9.15-3P-7C

W.P. (MD) No.14219 of 2015
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