

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2016

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.28772 of 2015
and
M.P.No.1 of 2015

R.Sundarajan

.. Petitioner

Vs.

- 1.The District Collector,
Coimbatore District,
Coimbatore-18.
- 2.The Commissioner of Police,
Coimbatore City,
Coimbatore-18
- 3.The Commissioner,
Corporation of Coimbatore,
Town Hall, Coimbatore-641 001.
- 4.The Local Planning Authority (LPA),
Corporation of Coimbatore,
Town Hall, Coimbatore-641 001.
- 5.The Assistant Executive Engineer,
TNEB, Ganapathy,
Coimbatore-641 006.
- 6.The Inspector of Police, Law & Order,
B-9, Saravanampatti Police Station,
Coimbatore-641 035.
- 7.Lourdes Church,
rep by Parish Priest,
Rev. Fr. Joseph P.J., Son of P.C. Jose,
Ambika Layout,
Sathy Road, Gandhipuram,
Coimbatore-641 045.

.. Respondents

The writ petition is filed under Article 226 of the Constitution of India praying for the issue of a writ of mandamus, forbearing the respondents 1 to 6, to initiate such action so as to disallow the 7th respondent, from establishing Church or Prayer Hall, Community Hall or any form of activities other than the used for residential activity as per the DTCP approval No.54/74 dated 20.7.1974 in Site No.32, an total extent of 21 cents in S.F.Nos.121 and 122 Part (T.S.No.11,12 Ward No.21, Block No.12) in 7th Street of K.R.G. Nagar of Ganapathi Town, Coimbatore North Taluk, Coimbatore.

For Petitioner : Mr.M.A.P.Thangavel

For Respondents: Mr.P.Karthikeyan, GA for RR1,2 4 to 6
Mr.K.Magesh for R-3
Fr.A.Xavier Arulraj, SC
for M/s.A.Arulmary for R-7

ORDER

Heard the learned counsels appearing on behalf of the petitioner, as well as the respondents.

2 This writ petition had been filed by the petitioner, praying that this Court may be pleased to issue a Writ of Mandamus, forbearing the respondents 1 to 6 to initiate action, so as to disallow the seventh respondent from establishing a Church, prayer hall or community hall and to restrain the said respondent from carrying on any form of activities other than residential activity, as per the DTCP approval No.54/74, dated 20.7.1974, in Site No.32, having total extent of 21 cents, in S.F.Nos.121 and 122 Part, in 7th Street, K.R.G. Nagar, Ganapathi Town, Coimbatore North Taluk, Coimbatore.

3 At this stage of the hearing of the writ petition, the learned counsel appearing on behalf of the petitioner had submitted that the writ petition may be closed, recording the averments made by the seventh respondent in its counter affidavit, dated 20.06.2016, wherein it has been stated that the land, in site No.32, having an extent of 21 cents, in S.F.Nos.121 and 122 Part, K.R.G. Nagar, Ganapathi, Coimbatore North Taluk, would be used for the purpose of constructing living quarters for the Priests, containing prayer room for the inmates.

4 Paragraph 9 of the counter affidavit, filed by the 7th respondent, reads as follows :

"9. I humbly submit that the 7th respondent has not filed any application for construction of a church till date, which can be verified from the letter of the 4th respondent dated 23.11.2015. However, the said place was purchased for the purpose of constructing living quarters for priests. But, so far, no plan has been submitted, because of the pendency of the above frivolous writ petition. It may need also a prayer-room for inmates within the house. The existing building, which was not a residential house but only an industry, needs renovation for any kind of use and even for the purpose of converting into residence. It needs immediate renovation. Otherwise, no one can even live there. The writ petitioner has no locus standi to object to the same. The authorities are colluding with the writ petitioner by objecting even to the renovation works of the existing building. This is in violation of the fundamental right of the 7th respondent to build their residence for priests, in a place of their choice. If permission is not granted for putting up a residence, the existing building can be used only for industrial purposes, as it had been done before. The 3rd and 4th respondents cannot have any valid objection for renovating the existing structure which is already there and was used as an industry. The 7th respondent has invested huge amount of resources from charity and the said land cannot be utilized because of the enimical attitude of the writ petitioner. The authorities are colluding with him. The 5th respondent engineer of TNEB has to clearly state the facts before this Hon'ble Court, regarding the nature of E.B. connection that had been already given to the particular Door Number for commercial and industrial purpose, which has been misrepresented before this Hon'ble Court."

5 In view of the submissions made by the learned counsel appearing on behalf of the petitioner, the writ petition stands closed, recording the averments made in paragraph 9 of the counter affidavit filed by the seventh respondent, as no further orders are necessary. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vvk
To

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Coimbatore-641 035.

+1 cc to M/s.Ma.P.Thangavel Advocate sr.35668
+2 ccs to M/s.Arul mary Advocate sr.35578
+1 cc to the Governemnt pleader sr.35542
+1 cc to M/s.K.Magesh Advocate sr.35354

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