



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 01.09.2016
CORAM

THE HONOURABLE MR. JUSTICE M. VENUGOPAL

WEB COPY

W.P (MD) No.16567 of 2016
and
W.M.P (MD) No.12076 of 2016

N.Kanagamani

... Petitioner

Vs.

1. The District Collector,
Kanyakumari District,
Nagercoil.

2. T.Dhas

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the 1st Respondent herein to consider and pass orders on the Petitioner's representation, dated 04.07.2016 seeking appropriate action against the 2nd respondent herein for constructing church in re-survey No.819/3 of Mathicode Village, Kanyakumari District, without obtaining any permission from the 1st respondent herein.

For Petitioner

: Mr.E.V.N.Siva

For R-1

: Mr.S.Kumar,

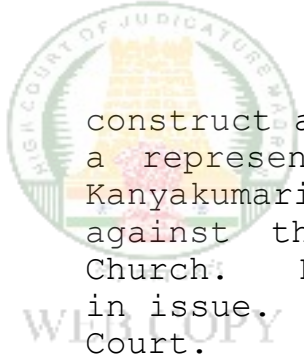
Additional Government Pleader

ORDER

Heard the Learned Counsel for the Petitioner and the Learned Additional Government Pleader for the First Respondent. However, there is no counter-affidavit filed on behalf of the First Respondent. To avoid an avoidable delay, notice to the Second Respondent, is dispensed with.

2. It transpires that the Petitioner in Paragraph No.2 of the affidavit of the Writ Petition had stated in categorical terms that 'the Second Respondent herein is constructing a Church building' in re-survey No.819/3 of Mathicode Village, Kanyakumari District, without any building permission from the Mathicode Village Panchayat, under Rule 4(3) of the Tamil Nadu Panchayats Building Rules, 1997 or from the District Collector, under G.O.Ms.No.916, Public (Law and Order), dated 29.04.1986, for construction of a Church.

3. The real grievance of the Petitioner is that if the Second Respondent is allowed to construct a Church in the residential area, it will lead to communal violence and further, the Petitioner cannot



construct a house in the adjacent plot. Therefore, he had submitted a representation before the First Respondent/District Collector, Kanyakumari District, on 04.07.2016, seeking appropriate action against the Second Respondent for the illegal construction of Church. But, till date, no action is taken, in the subject matter in issue. Hence, he has filed the present Writ petition before this Court.

4. Considering the fact that the Petitioner's representation, dated 04.07.2016 addressed to the First Respondent/District Collector, Kanyakumari District, is pending in the subject matter in issue, at this stage, this Court, directs the First Respondent/District Collector, Kanyakumari District, to look into the matter seriously and earnestly and to pass necessary speaking orders, within a period of two weeks from the date of receipt of a copy of this order, by ascribing qualitative and quantitative reasons, especially, by adhering to the points/plea raised by the Petitioner (Of course after adhering to the Principles of Natural Justice by issuing notice to the Petitioner and others concerned if any, if situation so warrants). Needless for this Court to make a significant mention that the Petitioner is to render his assistance and unstinted co-operation to the First Respondent so as to enable the latter to do needful in his favour in the subject matter in issue, within the time afore stated. In case, the First Respondent comes to an inevitable conclusion that without the permission of the Government, the Second Respondent is constructing or constructed the Church in question, appropriate orders may be issued by him to stop the construction of the Church by strictly adhering to the Rules and Regulations and also following the Law, which is in force as on date.

With the above said Direction(s)/Observation(s), this Writ Petition stands disposed of. No Costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To
The District Collector,
Kanyakumari District,
Nagercoil.

+ 1 CC TO MR.E.V.N.SIVA, ADVOCATE IN SR No. 49551
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 50035

PM

TE/SKS-RR : 20/09/2016 : 2P/4C

<https://hcservices.ecourts.gov.in/hcservices/>

W.P(MD)No.16567 of 2016 and
W.M.P (MD)No.12076 of 2016
01.09.2016