



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:27.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.18493 of 2016

and

W.M.P (MD) No.13383 of 2016

M.A.George

... Petitioner

Vs.

1.The District Collector,
District Collectorate Campus,
Korampallam, Thoothukudi,
Thoothukudi District.

2.A.Israel

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1st respondent herein to initiate appropriate action on the basis of the petitioner's representation, dated 07.09.2016 in accordance with law.

For Petitioner : Mr.A.Thiruvadi Kumar

For R-1 : Mr.V.Muruganandham,
Additional Government Pleader

ORDER

The present Writ Petition has been filed by the petitioner seeking a direction to the first respondent to initiate appropriate action against the second respondent based on his representation, dated 07.09.2016.

2. According to the petitioner, earlier he made representation before the first respondent not to grant approval to the second respondent to put up a Church in the disputed premises. Since the same was not considered, he has filed W.P(MD) No.14185 of 2016 before this Court, wherein this Court passed the following order on 06.09.2016:



consider his representation, dated 12.07.2016.

2.The grievance of the petitioner is that he is a member of Thoothukudi Nazereth Diocese, Maravanmadam and a land measuring an extent of 47 cents belongs to Maravanmadam Pastorate is used for running a School. Now, the second respondent proposed to construct a church in the land belonged to School. Hence, he made a representation to the first respondent/District Collector, not to grant any permission to construct the church.

3.The second respondent, who has been impleaded as party in the Writ Petition, has filed an affidavit stating that they are constructing church in a portion of five cents which is not belongs to the School. The local Panchayat also granted no objection for them to construct the church. Subsequently, the second respondent also filed an application before the District Collector seeking permission to construct the Church and the same is pending.

4.In the above circumstances, without going into the merits of the case, the first respondent is directed to consider the representation of the petitioner as well as the application filed by the second respondent and dispose of the same on merits and in accordance with law, after giving notice to parties and conduct an enquiry, within a period of six weeks from the date of receipt of a copy of this order.

5.With the above direction, this Writ Petition is disposed of. No Costs."

3. Pending enquiry, now the second respondent is putting up constructions without any permission, it is the grievance of the petitioner. Hence, he has filed this Writ Petition.

4. This Court already directed the first respondent District Collector to conduct enquiry, considering the application submitted by the petitioner. Now, the enquiry is pending and if at all the petitioner is having any grievance, he has to approach the first respondent to ventilate his grievance with regard to the alleged construction put up by the second respondent. Hence, this Writ Petition is not maintainable.

<https://hcservices.ecourts.gov.in/hcservices> 5. In the result, this Writ Petition is dismissed. However, liberty is given to the petitioner to raise all his objections before the first respondent, during enquiry, and the



first respondent is directed to consider the objections to be raised by the petitioner and pass appropriate orders on merits and in accordance with law, as expeditiously as possible. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

pm

To

The District Collector,
District Collectorate Campus,
Korampallam, Thoothukudi,
Thoothukudi District.

+1cc to Mr.A.Thiruvadi Kumar,Advocate Sr.No. 56309

+1cc to Spl.Government Pleader Sr.No. 56636

JAM/07.10.16/SS 3/3P-4C

W.P (MD) No.18493 of 2016

27.09.2016