



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P (MD) No.21459 of 2015
and
W.M.P (MD) No.1 of 2015

Gopurakaadu Arulmigu Sri Krishnaswamy
Thirukoil rep. by its President
K.Jagannatharaj,
Vavarai, S.T.Mankad Post,
Vilavancode Taluk,
Kanyakumari - 629 172.

.. Petitioner

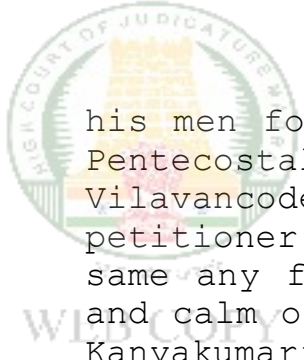
Vs.

- 1.The District Collector,
Nagercoil, Kanyakumari District.
- 2.The District Revenue Officer,
Kanyakumari District at Nagercoil.
- 3.The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.
- 4.The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.
- 5.The Inspector of Police,
Nithiravilai Police Station,
Kanyakumari District.
- 6.The Superintendent of Police,
Kanyakumari District at Nagercoil.

7.Vins @ Enoj.H.John

.. 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 respondents 1 to 6 herein to take
appropriate legal action against the seventh respondent herein and



his men for their unlawful and illegal activity of constructing a Pentecostal Church at Pulinintavilai, Vavarai, S.T.Mankad, Vilavancode Taluk within a radius of 150 metres from the petitioner temple and restrain them permanently from doing the same any further, thereby, preserving the communal harmony, peace and calm of Vavarai hamlet, S.T.Mankad Village, Vilavancode Taluk, Kanyakumari District.

For Petitioner : M/s.L.Victoria Gowri

For Respondents 1 to 6 : Mr.D.Muruganandam,
Additional Government Pleader.

For Respondent No.7 : Mr.S.C.Herold Singh

ORDER

[Order of the Court was made by A.SELVAM, J.]

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 to 6 to take proper legal action against the seventh respondent and his men from constructing a Pentecostal Church in the place mentioned in the petition, by way of issuing a writ of mandamus.

2.The main contention putforth on the side of the petitioner is that the first respondent is a competent authority to give necessary permission for constructing a church. But the seventh respondent without obtaining any permission from the first respondent, has been constructing a church. Under the said circumstances, a representation has been given on 03.10.2015. But the same has not been considered and therefore the present writ petition has been filed for getting the relief sought therein.

3.It is seen from the records that on 03.10.2015, a representation has been given to the first respondent viz., District Collector, Nagercoil, Kanyakumari District. The main contention putforth on the side of the petitioner is that even without obtaining necessary permission from the first respondent, the seventh respondent has been constructing a church in the place mentioned in the petition.

4.Considering the factual aspects putforth on the side of the petitioner and also considering the fact that on 03.10.2015 a representation has been given to the first respondent, this Court is inclined to pass the following order.



5. In fine, this writ petition is allowed without costs and the first respondent viz., District Collector, Nagercoil, Kanyakumari District is strictly directed to look into the representation dated 03.10.2015 alleged to have been given by the petitioner and after giving proper opportunity to the persons concerned pass suitable order within a period of ten days. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Nagercoil, Kanyakumari District.
2. The District Revenue Officer,
Kanyakumari District at Nagercoil.
3. The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.
4. The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.
5. The Inspector of Police,
Nithiravilai Police Station,
Kanyakumari District.
6. The Superintendent of Police,
Kanyakumari District at Nagercoil.

+1cc to M/s.L.Victoria Gowri, Advocate SR.No.5819
+1cc to Mr.S.C.Heroldsingh, Advocate SR.No.5856
+1cc to special Government Pleader SR.No.6016

smn

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ORDER MADE IN
W.P(MD)No.21459 of 2015
and
W.M.P(MD)No.1 of 2015
02.02.2017