



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.12268 of 2017

and

W.M.P. (MD) Nos.12461 and 9427 of 2017

A.John Peter Kennedy

.. Petitioner

Vs.

- 1.The District Collector,
The District Collector Office,
Trichy-1.
- 2.The Commissioner of Police,
Police Commissioner Office,
Central Jail Opposite,
Trichy-23.
- 3.The Commissioner,
Tiruchirappalli City Corporation,
Trichy-1.
- 4.The District Revenue Officer,
Collector Office,
Trichy-1.
- 5.The Revenue Divisional Officer,
Collector Office,
Trichy-1.
- 6.The Tahsildar,
Taluk Office,
Trichy-1.
- 7.The Inspector of Police,
Cantonment,
Trichy-1.
- 8.St.Paul's Seminary,
Represented by its bursar,
Mr.Paneerselvam,
Ddoor No.44, Madurai Road,
Cantonment, Tiruchirappalli.



9. ''The Catholic Mission'',
Tiruchirappalli Diocese,
Represented by its Procrator,
Convent Road, Cantonment,
Trichy-1.

10. The Member Secretary,
Zonal Planning Authority,
Tiruchirappalli.

(R10 is impleaded vide Court order
dated 28.07.2017 in W.M.P. (MD) No. 9939 of 2017)

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 7 to consider the representation of the petitioner and other parish members dated 23.06.2017 and to take appropriate action under law and in the interregnum to restrain the 8th respondent from proceeding with the construction of proposed kalyana mandapam in the vacant site ad-measuring 6068.63 square meter comprised in Survey No. 50/1 50/2 PT, situated at Dindigul main Road, Karumandapam, Ko Abishekapuram Village, Trichy joint 1 and 2 sub registration, Tiruchirappalli Taluka, Tiruchirappalli District.

For Petitioner	: Mrs.J.Maria Roseline
For Respondents 1, 2, 4 to 7:	Mr.M.Govindan
	Special Government Pleader
For 3 rd Respondent	:Mr.N.S.Karthikeyan
For 8 th Respondent	:Mr.S.Vinod Sathya Lasar
For 9 th Respondent	:Mr.A.John Vincent

O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

The writ petitioner is aggrieved by the construction of Kalyana Mandapam by the 8th respondent herein.

2.It is alleged that the Holy tabernacle of Roman Catholic Church by name '' Our Lady of Healer'' is situated in Dindigul Main Road, Karumandapam, Tiruchirappalli and that putting up the Kalyana mandapam close to it would be an act of defilement. According to the writ petitioner, the septic tank/ Cesspool, which has been constructed by the 8th respondent, is near the tabernacle of the church, where the holy communion is kept. The writ petitioner has submitted a representation dated 23.06.2017 in this regard to the third respondent.

3.Heard learned counsel appearing for writ petitioner and the learned standing counsel for the third respondent as well as the learned counsel for the respondents 8 and 9.



4.The learned counsel for the respondents 8 and 9 submitted that the respondents 8 and 9 have obtained permission from the corporation authorities and that there is no statutory violation on their part. We therefore direct the third respondent to consider and dispose of the representation dated 23.06.2017 submitted by the writ petitioner in accordance with law. The third respondent shall hear the 8th and 9th respondents before passing orders. It is made clear that this Court has not expressed any opinion on the merits of the matter. The third respondent shall pass orders on the writ petitioner's representation within a period of two months from the date of receipt of a copy of this order.

5.The writ petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To:

- 1.The District Collector,
The District Collector Office,
Trichy-1.
 - 2.The Commissioner of Police,
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 - 3.The Commissioner,
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 - 4.The District Revenue Officer,
Collector Office, Trichy-1.
 - 5.The Revenue Divisional Officer,
Collector Office, Trichy-1.
 - 6.The Tahsildar,
Taluk Office, Trichy-1.
 - 7.The Inspector of Police,
Cantonment, Trichy-1.
- +1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 74436
+1cc to Mr.A.JOHN VINCENT Advocate in SR. No. 73769
+1cc to M/s.J.MARIA ROSELINE Advocate in SR. No. 73696
+1cc to M/s.S.VINOD SATHYA LAZAR Advocate in SR. No. 73812

VSG/RMI

JS/MR.KKR/SAR.1/11.10.2017/3P-12C

W.P(MD)No.12268 of 2017