



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 12.09.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P. (MD) .No.15552 of 2017
and
W.M.P. (MD) No.12300 of 2017
and
Cont.P. (MD) No.1248 of 2017

in W.P. (MD) .No.15552 of 2017

Pastor C.Samuel Raj

... Petitioner

Vs.

1. The Executive Officer,
Thirupparappu Selection Grade Town Panchayat,
Thirupparappu, Kanyakumari District.
2. The Inspector of Police,
Kulasekaram Police Station,
Kanyakumari District.
3. The District Collector,
Nagercoil,
Kanyakumari District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of writ of Certiorari, calling for the records relating to the proceedings of the impugned notice in Na.Ka.No.388/2016 dated 07.08.2017 on the file of the 1st respondent and quash the same and further directing the 1st respondent to consider the plans submitted by the petitioner for the construction of the open stage in S.No.484/8 in Pinamthode, Thirupparappu, Kanyakumari District without reference to the permission from 3rd respondent.

For Petitioner : Mr.R.Maheswaran

For R2 to R3 : Mr.M.Govindan
Special Government Pleader

: Mr.K.P.Krishnadass



in Cont.P.(MD) No.1248 of 2017

N.Mathavan Pillai

... Petitioner/Petitioner

Vs.

Mrs.Rama Devi
The Executive Officer,
Thirupparappu Selection Grade Municipality,
Thirupparappu,
Kalkulam Taluk,
Kanyakumari District.

...Contemnor/Respondent

PRAYER: Contempt Petition is filed under Section 11 of the Contempt of Court Act, to punish the respondents for their contempt of Court on their non-obedience of the orders of this Court made in W.P.(MD) No.2576 of 2017 dated 28.02.2017.

Prayer in WP(MD). 2576/ 2017 :

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the Respondents to implement the 3rd respondent's proceeding in Na Ka No.388/2016 dated 24.11.2016 in order to maintain peace, social discipline and Law and Order at Kalkulam Taluk in Kanyakumari District within the period stipulated by this Court.

For Petitioner : Mr.Ananth C.Rajesh
For Contemnor : Mr.K.P.Krishnadass
Government Advocate

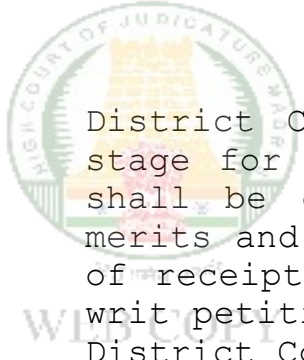
COMMON ORDER

[Judgment of the Court was delivered by **G.R.SWAMINATHAN, J.**]

In W.P.(MD) No.15552 of 2017, the petitioner challenges the notice dated 07.08.2017 issued by the first respondent. Admittedly, the petitioner represents a religious body. They had raised certain constructions in S.No.484/8 measuring 47 cents in Konathuvilai near Pinamthode. The said place is used for conducting religious congregations. Since without prior approval, a stage was put up with RCC roof, the authorities intervened in the matter.

2.Without prior approval from the concerned authorities, there cannot be putting up any building for public worship or religious purpose. In this case, such an approval had admittedly not been obtained. At this stage, the learned counsel for the petitioner states that they may be given time to move the District Collector, Nagercoil, Kanyakumari District, for getting permission.

3.Accordingly, the petitioner in W.P.(MD) No.15552 of 2017 is given time till 30th October 2017 to make an application to the



District Collector, Kanyakumari, seeking permission to put up a stage for religious purpose. If an application is made, the same shall be considered by the District Collector, Kanyakumari, on merits and as per law, within a period of two months from the date of receipt of a copy of this order. The impugned order of this writ petition is kept in abeyance, till a decision is taken by the District Collector, Kanyakumari.

4. In view of the order passed in W.P.(MD) No.15552 of 2017, the contempt petition is closed and the writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

5. However, we make it clear that the petitioner shall not use the stage for any religious purpose without obtaining No Objection Certificate from the District Collector, Kanyakumari.

Sd/-
Assistant Registrar(Co)

/True Copy/

Sub Assistant Registrar

To

1. The Executive Officer,
Thirupparappu Selection Grade Town Panchayat,
Thirupparappu, Kanyakumari District.

2. The Inspector of Police,
Kulasekaram Police Station,
Kanyakumari District.

3. The District Collector,
Nagercoil, Kanyakumari District.

+ 1 cc TO Mr. Ananth C. Rajesh , Advocate in SR No. 78867
+ 1 cc TO Mr. K. P. Krishnadass , Advocate in SR No. 78169
+ 1 cc TO Mr. G. Prabhu Rajadurai , Advocate in SR No. 78541

vsg/mm

AE/SKN RSK/SAR4/03.11.2017/3P/7C

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and
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