

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 13.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN
W.P(MD)No.17208 of 2017

WEB COPY

Rev.Ephraim Thomas
S/o.Thomas
St.Joseph Church,
Soosaipuram, Meenachal,
Kaliakkavilai Village,
Vilavancode Taluk,
Kanyakumari District.

... Petitioner

Vs.

1.The District Collector,
Nagercoil,
Kanyakumari District.

2.The Assistant Director
Geology and Mining,
Nagercoil,
Kanyakumari District.

3.The Tahsildar
Vilavancode Taluk,
Kanyakumari District.

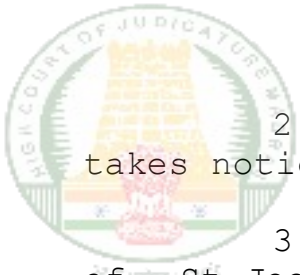
... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to grant permission to remove the earth for the purpose of newly construction of Hall to Petitioner Church property bearing Survey No.271/1 comprised in St.Joseph Church, Soosaipuram, Meenachal, Kaliakkavilai village, Vilavancode Taluk, Kanyakumari District consequently transport the excess soil and dump to another place on the basis of the Petitioner's application dated 29.06.2016 forthwith.

For Petitioner : Mr.N.S.Ramakrishnadass
For Respondents : Mr.M.Alagathevan
Special Government Pleader

ORDER

By consent on either side, this Writ Petition is taken up for final disposal at the admission stage itself.



2. Mr.M.Alagathevan, learned Special Government Pleader, takes notice for the respondents 1 to 3.

3. It is the case of the petitioner that he is a priest of St. Joseph Church, Soosaipuram, Meenachal, Kaliakkavilari Village, Vilavancode Taluk, Kanyakumari District and the Committee of the Church has decided to construct a hall in the church compound in S.No.271/1. Though the committee has obtained necessary permission from the revenue authority, it could not be able to start the work on account of accumulation of earth in 10 cents of land hillock area. Therefore, he had submitted an application dated 28.06.2016 to the first respondent, with regard to grant of permission to remove the earth in the property in question, which in turn was forwarded to the respondents 2 and 3. Though the respondents 2 and 3 have conducted enquiry and submitted a positive reports to the first respondent on 07.04.2017 and 18.03.2017, no decision has been taken thereon by the first respondent till now. Hence, the present writ petition has been filed for the relief as stated supra.

4. Though the petitioner has sought for the larger relief as above, at the time of argument, the learned Counsel for the petitioner would submit that it would suffice, if the representation dated 29.06.2016 submitted by the petitioner may be directed to be considered by the respondents after due notice to the petitioner.

5. Considering the limited scope of the prayer sought for by the petitioner, this Court, without going into the merits of the matter, directs the first respondent to consider the representation of the petitioner dated 29.06.2016 and pass appropriate orders thereon on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner.

6. The writ petition is disposed of as above. No costs.

Sd/-

Assistant Registrar(RTI)

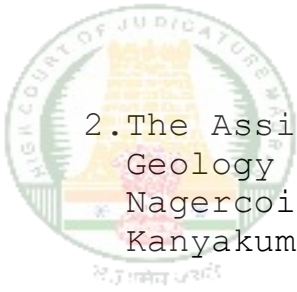
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Sub Assistant Registrar

To:

1.The District Collector,
Nagercoil,

<https://hcservices.ecourt.gov.in/hcservices/>
Kanyakumari District.



2.The Assistant Director
Geology and Mining,
Nagercoil,
Kanyakumari District.

3.The Tahsildar
Vilavancode Taluk,
Kanyakumari District.

+1cc to M/S.N.S.RAMA KRISHNADASS, Advocate SR.No.78638

+1cc to Special Government Pleader, SR.No.78839

rm

MAS/KP/SAR3:18.09.2017:3P-6C

W.P(MD)No.17208 of 2017

13.09.2017