



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No. 400 of 2017
and
W.M.P. (MD) .No.312 of 2017

Sekar

.. Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

3.The Block Development Officer,
Thirumangalam Panchayat Union,
Thirumangalam, Madurai District.

4.The Commissioner,
Kandai Panchayat,
Thirumangalam Panchayat Union,
Thirumangalam Taluk, Madurai District.

5.Rev. T.Shamuvel, R.V.Singh

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 3 and 4 to take action against the 5th respondent under Rule 34 of the Tamil Nadu Panchayat Building Rules, 1997 for reconstructed Church building situated in Survey No.146/33, at Kandai Village, Thirumangalam Taluk, Madurai District.

For Petitioner

: Mr.R.Murugappan

For Respondents No.1&2

: Mr.M.Govindan
Special Government Pleader

For Respondents No. 3&4

: Mr.N.S.Karthikeyan
Additional Government Pleader



O R D E R

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

This writ petition has been filed for directing the respondents 3 and 4 to take action against the 5th respondent under Rule 34 of the Tamil Nadu Panchayat Building Rules 1997.

2. According to the writ petitioner, the 5th respondent has reconstructed the Church building situated in Survey No.146/33, at Kandai Village, Thirumangalam Taluk, Madurai District.

3. It is his case that the said Statutory Rule contemplates obtaining of prior approval before altering or reconstructing the said Church building.

4. The 5th respondent has filed his counter affidavit stating that he has merely renovated and repainted the Church. There has been no alteration in the height and the width of the Church. The 5th respondent further alleged that the writ petitioner has committed encroachment on the Church land and when this was objected to, the present writ petition has been filed to wreak vengeance.

5. We are of the view that the aforesaid Rule would be attracted only in the case of construction, reconstruction and not when renovation and repair works are carried out. Therefore it is not open to the writ petitioner to invoke the said Rule to initiate action against the 5th respondent.

6. This writ petition therefore stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub-Assistant Registrar

To:

1. The District Collector, Madurai District, Madurai.
2. The Revenue Divisional Officer, Usilampatti, Madurai District.
3. The Block Development Officer, Thirumangalam Panchayat Union, Thirumangalam, Madurai District.
4. The Commissioner, Kandai Panchayat, Thirumangalam Panchayat Union, Thirumangalam Taluk, Madurai District.

+One cc to Mr.T.Antony Arulraj, Advocate, SR.No.68524

<https://hse.courts.gov.in/Files/OneCourtOneVoice> Special Government Pleader, SR.No.68966

rmk/km/gns

RL/7C/2P/MMS/SAR3/16/8/2017

ORDER MADE IN

W.P. (MD) No. 400 of 2017
27.07.2017