



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.24670 of 2016

Jacob Jones Nicolson

... Petitioner

Vs.

1. The District Collector,
Kanyakumari District,
Nagercoil 629 001.

2. The President,
Athivilai Village Panchayat,
Kalkulam Taluk,
Kanyakumari District.

3. The Tahsildar,
Kalkulam Taluk,
Kanyakumari District.

4. The Assistant Director (Panchayats) / General,
Kanyakumari District at
Nagercoil.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the returned application untenably dated 03.10.2016 filed by the petitioner on 01.09.2015 before the 2nd respondent for seeking building plan approval of the petitioner's proposed Pentecostal church in re-sy No.32/7C measuring 16 1/2 cents at Athivilai Village, Kalkulam Taluk, Kanyakumari District and permit the petitioner to resubmit the building plan approval of the above said proposed Pentecostal church building without the earlier approved plan of the petitioner's house building before the second respondent.

For Petitioner : Mr.R.Russel Raj

For Respondents : Mr.J.Gunaseelan Muthiah,
Government Advocate
for R.1, R.3 & R.4
Mr.C.Selvaraj for R.2

**O R D E R**

Alleging that the respondents have returned the petitioner's application, dated 01.09.2015, seeking approval for converting his residential house to a Church, on the ground of non-enclosure of earlier approved plan, the petitioner is before this Court, for appropriate relief.

2. Heard both sides.

3. A perusal of the typed set of papers would show that instead of complying the defects pointed out by the authorities and resubmitting the same, straight away, the petitioner has approached this Court for the aforesaid relief.

4. Since the application of the petitioner had already been rejected by the authorities, the order of rejection has to be challenged before this Court.

5. Under such circumstances, this Court is not inclined to entertain this writ petition and the same is, accordingly, disposed of, leaving it open to the petitioner to approach the authorities afresh, if he is so advised. No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Kanyakumari District,
Nagercoil 629 001.

2. The Tahsildar,
Kalkulam Taluk,
Kanyakumari District.

3. The Assistant Director (Panchayats) / General,
Kanyakumari District at
Nagercoil.

+ 1 cc TO The Special Government Pleader in SR No. 87026

+ 1 cc TO Mr.R.Russel Raj , Advocate in SR No. 86987

gk

AE/MR KKR/SAR2/23.11.2017/2P/6C



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