



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WEB COPY

W.P(MD) No.3508 of 2013andMP(MD)No.1 of 2013

T.Nesamani

... Petitioner

-vs-

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Executive Officer,
Alloor Town Panchayat,
Alloor - 629 801,
Kanyakumari District.

3.V.Chinthamani Nadar

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 2 to initiate appropriate action against the 3rd respondent who contravenes the provisions of section 4 (3) of the Tamilnadu Panchayat Building Rules, 1997 and stop the religious activities conducted at Survey No.260/5 of Alloor Village, Kanyakumari District.

For Petitioner	: Mr.S.C.Herold Singh
For R1	: Mr.M.Alagathevan
	Special Government Pleader
For R2	: Mr.Aayiram K.Selvakumar
For R3	: Mr.S.P.Maharajan

O R D E R

This writ petition has been filed seeking a direction to the respondents 1 and 2 to initiate appropriate action against the third respondent who contravenes the provisions of section 4 (3) of the Tamilnadu Panchayat Building Rules, 1997 and stop the religious activities conducted at Survey No.260/5 of Alloor Village, Kanyakumari District.

2.Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader for the first respondent, the learned Counsel for the second respondent and the learned counsel for the third respondent.



3.The case of the petitioner is that the third respondent herein has got approval to construct an office and store room in his property in S.No.260/5, Alloor Village. But, contrary to the approval, he constructed a temple viz., Ayya Narayanasamy Temple and started doing poojas periodically by using loud speakers, which creates noise pollution in and around the residence of the petitioner as well as to the general public. Hence, the petitioner has given a representation dated 17.01.2013 to the respondents 1 and 2 to take action against the third respondent. Since no action has been taken so far by the respondents 1 and 2, the petitioner is before this Court with the above mentioned prayer.

4.Considering the facts and circumstances of the case and also considering the allegation made against the third respondent herein, this Court, without going into the merits of the matter, directs the respondents 1 and 2 to consider the representation of the petitioner dated 17.01.2013 and pass appropriate orders 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 and any of the interested parties.

5.With the above direction, this writ petition is disposed of. No costs. Consequently, MP(MD)No.1 of 2013 is closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Executive Officer,
Alloor Town Panchayat,
Alloor - 629 801,
Kanyakumari District-629 801.

+1cc to M/S.S.C.Herold Singh, Advocate SR.No. 89211

+1cc to M/S.S.P.Maharajan, Advocate SR.No. 89422

W.P(MD)No.3508 of 2013

24.11.2017