



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2018

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THE HON'BLE MR.JUSTICE M.SUNDARW.P.(MD) No.7053 of 2018

South India Assembly of God,
Represented by its Rev.P.S.Rajamani,
S/O.Seenimuthu,
No.30, Navalar Nagar,
Madurai, Madurai District.

... Petitioner

-Vs-

1.The District Collector,
Dindigu District.

2.The Executive Officer,
Kannivadi Town Panchyat,
Kannivadi, Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, issue a Writ of Mandamus directing the 1st respondent to consider and pass order on the application of the petitioner dated 05.02.2018 submitted under Rule 4(3) of Tamil Nadu Panchayat Building Rules, 1997.

For Petitioner : Mr.K.Samidurai

For Respondents : Mr.Ayiram K.Selvakumar,
Additional Government Pleader

O R D E R

Heard Mr.K.Samidurai learned counsel appearing for the writ petitioner.

2.The subject matter of the writ petition is 25 cents of land comprised in Survey No.237/3 in Sirankodu Village, Kannivadi Panchayat, Dindigul Taluk, Dindigul District (hereinafter referred to as 'said land' for the sake of convenience and clarity).

3. It is the case of the writ petitioner that writ petitioner purchased said land under a sale deed dated 23.02.2006, registered as document No.220 in the Office of the Sub Registrar, Kannivadi.It is the further case of the writ petitioner that the writ petitioner has put up a small prayer hall therein.

4.It is the further say of the writ petitioner that post construction, writ petitioner submitted an application dated



05.02.2018 to the 2nd respondent before me, i.e., Executive Officer, Kannivadi Town Panchayat, Kannivadi, Dindigul District, seeking approval of the aforesaid construction of prayer hall in the said land.

5. Mr. K. Samidurai, learned Counsel for the writ petitioner draws my attention to Sub Rule (3) of Rule 4 of the Tamil Nadu Panchayat Buildings Rules, 1997 which reads as follows:

(3) No site shall be used for the construction of a building intended for public worship or religious purposes without the prior approval of the Collector of the district who may refuse such approval, if in his opinion, the use purpose of the site and building is likely to endanger public peace and order.

6. The learned Counsel submits that writ petitioner is entitled to have the application for approval of the aforesaid construction considered.

7. A perusal of the aforesaid Rule shows that law mandates 'prior approval'. To be noted, in the instant case *ex post facto* approval is sought.

8. I leave aforesaid *ex post facto* approval question open and I express no opinion on the same.

9. Learned Special Government Pleader Mr. Ayiram K. Selvakumar, who accepts notice on behalf of the respondents 1 and 2, submits that the respondent No. 1 is the authority, who has to consider the petitioner's application dated 05.02.2018.

10. In the light of the aforesaid narrative, the respondent No. 1, i.e., The District Collector, Dindigul is directed to consider the petitioner's aforesaid application dated 05.02.2018 pertaining to the aforesaid construction of prayer hall in the said land, in accordance with law within a period of eight weeks from the date of the receipt of a copy of this order, after putting on notice people / entities concerned / interested if any.

11. The application of the writ petitioner shall be considered uninfluenced by any of the observations made in this order. All questions are left open.

12. Accordingly, the writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar (CSII)

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1.The District Collector,
Dindigu District.

2.The Executive Officer,
Kannivadi Town Panchyat,
Kannivadi, Dindigul District.

+1 CC TO Mr.K.SAMIDURAI , ADVOCATE , SR No. 59555

dsk

RL/4C/3P/KK/SAR1/16/4/2018

W.P. (MD) No.7053 of 2018

02.04.2018