



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WP (MD) No.5112 of 2018

and

WMP(MD)No.5083 of 2018

1.T.Samraj

2.T.Swami Adimai Chinnapavu

.. Petitioners

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Special Officer/Block Development
Officer (Village Panchayat)
Palavoor Village Panchayat Board,
Palavoor,
Radhapuram Taluk,
Tirunelveli District.

... Respondents

Petition filed under Article 226 Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order Na.Ka.No.001/2017-2018 dated 21/02/2018 passed by the second respondent and quash the same as illegal and subsequently direct the first respondent to grant permission to conduct the prayer sessions at building which situates in Re Survey Nos.554/2A, 2B, 2D & 2E in Palavoor Village, Radhapuram Taluk, Tirunelveli - 627 114.

For Petitioner : Mr.V.Rajiv Rufus

For Respondents : Mr.M.Rajarajan
Government Advocate

ORDER

This writ petition has been filed challenging the order passed by the second respondent, cancelling the building plan approval granted by the Panchayat.

2.According to the petitioners, they want to construct a prayer hall in Resurvey Nos.554/2A, 2B, 2D & 2E in Palavoor Village, Radhapuram Taluk, Tirunelveli, for which, they have approached the President of the concerned Village Panchayat and the Panchayat also granted permission to construct a prayer hall. Thereafter, by the impugned order dated 21.02.2018, the second respondent has cancelled the building permission granted earlier on the ground that as per the Tamil Nadu Panchayats Building Rules, 1997, prior approval should be obtained from the District Collector. Challenging the same, this writ petition has been filed.



3. It is the admitted case of the petitioner that the building permission was granted by the Village Panchayat without prior approval of the District Collector. As per Rule 4(3) of the Tamil Nadu Panchayats Building Rules, 1997, no building shall be constructed for public worship or religious purposes without prior approval of the District Collector. In the instant case, since the Panchayat has granted approval without prior approval of the District Collector, the second respondent has rightly cancelled the building permission and the petitioners can not have any grievance against the same.

4. In the above circumstances, I find no illegality in the order passed by the second respondent. Hence, this writ petition is dismissed. However, if the petitioners want to construct any prayer hall in the above survey number, it is open to them to make necessary application before the District Collector under Rule 4(3) of the Tamil Nadu Panchayats Building Rules, 1997, and if any such application is filed, the first respondent/District Collector is directed to consider the same and pass appropriate orders on merits and in accordance with law. It is made clear that after obtaining approval from the District Collector, the petitioners can approach the second respondent for the purpose of getting building plan approval. No costs. Consequently, WMP(MD)No.5083 of 2018 is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Special Officer/Block Development
Officer (Village Panchayat)
Palavoor Village Panchayat Board,
Palavoor,
Radhapuram Taluk,
Tirunelveli District.

+1cc to Mr.V.Rajiv Rufus, Advocate Sr.No.54031

+1cc to Spl.Government Pleader Sr.No.54919

MJ

VB/SKN/RSK/SAR4/19/04/2018/2P/5C