



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM

AND

THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

W.P.[MD].No.9467 of 2018

A.Vijayaraj : Petitioner

Vs.

1.The District Collector,
District Collector Office,
Nagercoil, Kanyakumari District.

2.The Executive Officer,
Pacode Town Panchayat,
Kanyakumari District.

3.The Revenue Divisional Officer,
Padmanabapuram, Thuckalay,
Kanyakumari District.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to grant and sanction permission for the proposed construction and functioning of the Church building at Survey No.173/14 at Kuzhivilai, Maruthancode Village, Vilavancode Taluk, Kanyakumari District, based on the resolution of the second respondent and the report submitted by the third respondent.

For petitioner : Mr.F.Deepak

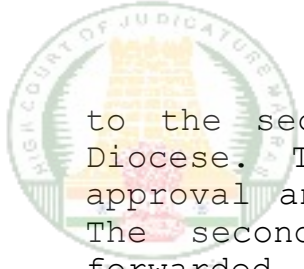
For respondents : Mr.M.Rajaranan
Government Advocate

O R D E R

[Order of the Court was made by C.T.SELVAM, J.]

The present Writ Petition has been filed, by way of Public Interest Litigation, praying to issue a Writ of Mandamus directing the first respondent to grant and sanction permission for the proposed construction and functioning of Church building at Survey No.173/14 at Kuzhivilai, Maruthancode Village, Vilavancode Taluk, Kanyakumari District, based on the resolution of the second respondent and the report submitted by the third respondent.

2. In the affidavit filed in support of the Writ Petition, it has been averred that the Church of South India, Kanyakumari Diocese, had resolved to construct a new Church at Kuzhivilai and accordingly, lands were purchased and planning approval was given



to the second respondent on 08.04.2017 by Bishop of Kanyakumari Diocese. The second respondent had also approved the planning approval and forwarded due recommendation to the first respondent. The second respondent, vide proceedings dated 10.05.2017, had forwarded the application for grant of approval to the first respondent. Furthermore, the third respondent, vide his proceedings dated 26.07.2017, stated that the permission can be granted for the construction of Church. Since no action has been taken thereafter, the petitioner is before this Court with this Writ Petition for the relief stated supra.

3. We have heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

4. The report of the third respondent dated 26.07.2017, informs that there is no objection from any quarter for the construction of Church at Kuzhivilai, Maruthancode Village, Vilavancode Taluk, Kanyakumari District and the third respondent has further informed that the building plan for the Church could be approved and recommended due sanction. Expressing the view that the objection of any person to the construction of Church at Kuzhivilai, Maruthancode Village, Vilavancode Taluk, Kanyakumari District, by itself would not be reason enough to deny permission, if one keeps in mind Articles 25 and 26 of the Constitution of India, it would suffice to direct the first respondent to take into consideration the above referred to proceedings of the third respondent and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order.

5. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,District Collector Office,
Nagercoil, Kanyakumari District.
 - 2.The Executive Officer, Pacode Town Panchayat,
Kanyakumari District.
 - 3.The Revenue Divisional Officer, Padmanabapuram, Thuckalay,
Kanyakumari District.
- +1CC to Mr.F.Deepak, Advocate, SR.No. 63571
+1CC to the Special Government Pleader SR.No.64251

ORDER MADE IN

W.P.[MD].No.9467 of 2018

26.04.2018