



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WP (MD) No.7833 of 2014
and
MP(MD)No.1 of 2014

Pastor J.Jayakumar

... Petitioner

Vs.

The Executive Officer,
Keezhkulam Town Panchayat,
Town Panchayat Office,
Keezhkulam,
Kanyakumari District.

... Respondent

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 in Na.Ka.No.A1/89/2014 dated 2.4.2014 on the file of the respondent and quash the same as illegal and consequently for a direction forbearing the respondent from preventing the construction of church building at Jehovah Church (Pentecostal) Vembattuvilai, Ozhiparai, Kanyakumari District.

For Petitioner	: Mr.Ashwin Rajasimman for Mr.T.Lajapathi Roy
For Respondent	: Mr.M.Rajarajan Government Advocate

ORDER

Challenging the order passed by the respondent, directing the petitioner to stop construction of the prayer hall without getting permission from the District Collector, the present writ petition has been filed.

2.According to the petitioner, he is a Pastor of Jehovah Church (Pentecostal) Vembattuvilai, Ozhiparai, Kanyakumari District. The above Church is in existence for more than 55 years. Since the existing Church could not accommodate several people, the administration of the Church proposed to extend the Church building by way of constructing additional worship place. Hence, the petitioner, being the Pastor of the Church started construction which is not a new construction and it is only an extension to the existing Church. Now, the respondent directed the



petitioner to stop construction stating that the petitioner is constructing a new prayer hall which requires prior permission from the District Collector, apart from that, the above order has been passed without affording an opportunity of hearing to the petitioner.

WEB COPY

3.The learned Government Advocate appearing for the respondent submitted that the petitioner is constructing a new prayer hall without obtaining necessary permission as required under Rule 6(4) of the Tamil Nadu District Municipalities Building Rules, 1972 which is mandatory in nature. In the above circumstances, the respondent has rightly directed the petitioner to stop construction and therefore, the order passed by the respondent does not require any interference by this Court.

4.I have considered the rival submissions made on either side and perused the records carefully.

5.From the perusal of the affidavit filed by the petitioner, it could be seen that the petitioner is constructing an extension in the existing Church premises which is admittedly a new building, which requires prior permission from the District Collector and the petitioner cannot put up any construction without obtaining prior permission from the District Collector, which is mandatory.

6.In the above circumstances, I find no reason to interfere with the order passed by the respondent. Accordingly, the writ petition is dismissed. However, it is open to the petitioner to file necessary application before the District Collector, Kanyakumari District, seeking permission to construct a new building and if any such application is filed, the District Collector, Kanyakumari District is directed to consider the same and pass orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as after considering the objections if any filed by any third parties. No costs. Consequently, M.P(MD)No.1 of 2014 is closed.

Sd/-

Assistant Registrar(C.o.)

/True Copy/

Sub Assistant Registrar

To

1 The District Collector, Kanyakumari District.

2 The Executive Officer, Keezhkulam Town Panchayat,

Town Panchayat Office, Keezhkulam, Kanyakumari District.

+1CC to Mr.T.Lajapathi Roy, Advocate, SR.No. 40733

WP(MD)No.7833 of 2014

05.01.2018