



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MRS. JUSTICE R.THARANI

W.P.(MD)No.23780 of 2018and W.M.P.(MD).No.21535 2018

P.Arulappan

: Petitioner

Vs.

1.The District Collector,  
Tirunelveli,  
Tirunelveli District.

2.Panagudi Town Panchayat,  
Through its Executive Officer,  
Panakudi,  
Tirunelveli District.

3.Most Rev.Moderator,  
Church of South India,  
5, Whites Road,  
Royapettai,  
Chennai.

4.Right Rev.Christudoss,  
CSI Bishop,  
North High Ground Road,  
Palayankottai,  
Tirunelveli District.

5.Rev.Augustin Samraj  
Pator,  
St.Andrew Church,  
Panagudi.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents 1 and 2 from in any way permitting the respondents 3 to 5 from demolishing or in any way altering the existing St.Andrews Church, Panagudi, Radhapuram Taluk, Tirunelveli Distric and to direct the respondents No.1 & 2 to forbid any demolition or new construction without obtaining planning permission under Town and Country Planning Act and Tamil Nadu District Municipalities Act, 1920 and the Rules made under.

For Petitioner : Mr.A.Arumugam

for M/s Ajmal Associates

For R1 &amp; R2

: Mr.M.Jeyakumar

Additional Government Pleader

: Mr.J.Bharathan

O R D E R

[Order of the Court was made by R.SUBBIAH, J]

This Writ Petition has been filed for issuance of Writ of Mandamus forbearing the respondents 1 and 2 from in any way permitting the respondents 3 to 5 from demolishing or in any way altering the existing St.Andrews Church, Panagudi, Radhapuram Taluk, Tirunelveli District and to direct the respondents No.1 & 2 to forbid any demolition or new construction without obtaining planning permission under Town and Country Planning Act and Tamil Nadu District Municipalities Act, 1920.

2.Heard Mr.A.Arumugam, learned counsel appearing for the petitioner, Mr.M.Jeyakumar, learned Additional Government Pleader appearing for the respondents 1 and 2 and Mr.J.Bharathan, learned counsel appearing for the fifth respondent.

3.When the matter is taken up for admission, the learned counsel for the petitioner submitted that the respondents 3 to 5 are attempting to demolish St.Andrews Church and put up a new construction without obtaining permission under Town and Country Planning Act and Tamil Nadu District Municipalities Act, 1920 and therefore, the official respondents have to be instructed to forbear the respondents 3 to 5 from doing so.

4. At this juncture, the learned counsel appearing for the fifth respondent submitted that they are going to conduct foundation stone laying function and they will not demolish or construct church without obtaining permission under the relevant Act.

5. In view of the submissions made by the learned counsel for the fifth respondent, no specific order is necessary in this writ petition. Accordingly, this Writ Petition is closed. No costs. Consequently, W.M.P.(MD) No.21535 of 2018 is also closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar(CS-I)

To

The District Collector, Tirunelveli, Tirunelveli District.

- 1 CC TO M/s.AJMAL ASSOCIATES , IN SR No. 98163.
- + 1 CC TO Mr.T.R.JEYAPALAM , ADVOCATE IN SR No.98017.
- +1 cc to Special Government Pleader, SR.No.98272.
- CM
- DS RSK SAR1 18 12 2018 2P 5C

Order made in

W.P.(MD) No.23780 of 2018  
and W.M.P.(MD) .No.21535 2018  
30.11.2018