



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2019

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P. (MD) .No.24130 of 2019

and

WMP (MD) No.20723 of 2019

S.Jency

... Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Superintendant of Police,
Kanyakumari District,
Nagercoil.
- 3.The Revenue Divisional Officer,
Padbanabapuram,
Thuckalay Post,
Kanyakumari District.
- 4.The Executive Officer,
Vilavoor Town Panchayat,
Moolachel,
Thuckalay Post,
Kanyakumari District.
- 5.The Inspector of Police,
Thuckalay,
Kanyakumari District.
- 6.Senthil
- 7.Robhi
- 8.Chellaswamy

... Respondents



PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to take action against the respondents 6 to 8 and thereby to stop the unauthorised construction made in the name of "SUDALAI MADAN" temple without obtaining plan approval and permission from the authorities in Re.Sy.No.230/7, in Kudieruppu Vilai, Moolachel, Thuckalay P.O., Kanyakumari District, violation of Hon'ble Retired Justice Venugopal Commission report, dated 21.09.1985 and Section 4 (3) of The Tamilnadu Panchayats Building Rules, 1997.

For Petitioner	: Mr.G.Cenil
For Respondents (R1 to R3 & R5)	: Mr.M.Murugan Govt.Advocate
For Respondent-4	: Ms.S.Srimathy Spl.Govt.Pleader

O R D E R

(Order of this Court was made by **T.S.SIVAGNANAM, J**)

We have heard Mr.G.Cenil, learned counsel for the petitioner and Mr.M.Murugan, the learned Government Advocate for R1 to R3 & R5 and Ms.S.Srimathy learned Special Government Pleader for R4.

2. This Writ Petition has been filed seeking for a direction to the respondents 1 to 5 to take action against the respondents 6 to 8 and thereby, to stop the unauthorised construction made in the name of "SUDALAI MADAN" temple, without obtaining plan approval and permission from the authorities in Re.Sy.No.230/7, in Kudieruppu Vilai, Moolachel, Thuckalay P.O., Kanyakumari District.

3. The learned Special Government Pleader appearing for the official respondents submitted that insofar as Kanyakumari District is concerned, no person is entitled to put up any construction or a place of worship or for any other religious activities, without prior permission. It appears that no such permission has been obtained. Therefore, we direct the District Collector, Kanyakumari District, to look into the matter and if no such prior permission is obtained, appropriate direction be issued to the respondents 3 and 4 to prevent such construction. However, if permission has already been obtained, it shall be ensured that the construction is



in accordance with the permission, which was granted.

4. With these observation, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar (CS)

MPK

To

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Superintendent of Police,
Kanyakumari District,
Nagercoil.
- 3.The Revenue Divisional Officer,
Padbanabapuram,
Thuckalay Post,
Kanyakumari District.
- 4.The Executive Officer,
Vilavoor Town Panchayat,
Moolachel,
Thuckalay Post,
Kanyakumari District.
- 5.The Inspector of Police,
Thuckalay,
Kanyakumari District.

+1cc to Mr.G.Cenil, Advocate, SR No.98562

+1cc to M/s.Spl Government Pleader, Advocate, Sr NO.99531

MPK

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KK/SAR/05.12.2019/3P-8C/