



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:17.12.2019

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.26566 of 2019

and

W.M.P. (MD) .No.22930 of 2019

WEB COPY

V.Andrew Godwin

... Petitioner

Vs.

1.The District Collector,
Nagercoil,Kanyakumari District.

2.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

3.The Executive Officer/Special Officer,
Thippiramalai Panchayat,
Kanyakumari District.

4. The Inspector of Police,
Karungal Police Station,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to grant building plan approval based on the application submitted by the petitioner dated 18.06.2018 within the time frame that may be fixed by this Court.

For Petitioner: Mr.S.C.Herold Singh

For Respondent: Mr.M.Murugan,Government Advocate

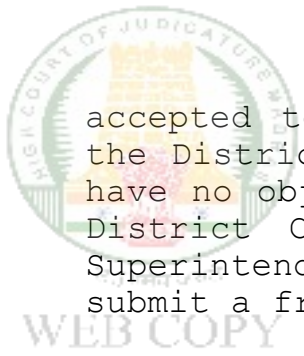
ORDER

Heard Mr.S.C.Herold Singh, learned counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the respondents.

2.This Writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the respondents to grant building plan approval based on the application submitted by the petitioner, dated 18.06.2018.

3.According to the petitioner, on 29.07.2019 in ஐ.மு.சி3/41870/2018 நாள் 23.07.2019, the first respondent/The District Collector has addressed a letter to the petitioner stating that the petitioner has to apply with required documents. As the building is utilized for a prayer house, he was directed to apply with 'No Objection Certificate' from the Municipality or Corporation.

4.The learned Government Advocate appearing for the respondents produced a copy of the letter given by the District Collector stating that the Sub Divisional Magistrate and the Sub Collector, Padmanabhapuram have conducted an enquiry under Section 107 CR.P.C., in connection with the said dispute and the Christians side have



accepted to conduct prayers after obtaining prior permission from the District Collector, whereas, Hindus side have stated that they have no objection to conduct the prayers with the permission of the District Collector, without loud speakers. In this regard, the Superintendent of Police, Kanyakumari District, was directed to submit a fresh report regarding the law and order problem.

5.The report of the Superintendent of Police, Kanyakumari District, is not yet filed. As the prayer of the petitioner is only for a direction to grant building plan approval, the same can be issued only after compliance of all the formalities. Though the first respondent/the District Collector has to issue building plan approval, who himself has specifically stated that the report of the Superintendent of Police, Kanyakumari District has to be received with regard to the law and order dispute.

6.Therefore, the Superintendent of Police, Kanyakumari District, is directed to furnish his report to the first respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such report, the first respondent/the District Collector is directed to consider the petitioner's application dated 18.06.2018, independent of this order and also considering the law and order situation, within a period of four weeks thereafter.

7.With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

- 1.The District Collector,
Nagercoil,Kanyakumari District.
 - 2.The Superintendent of Police,
Kanyakumari District,Nagercoil.
 - 3.The Executive Officer/Special Officer,
Thippiramalai Panchayat,Kanyakumari District.
 - 4.The Inspector of Police,
Karungal Police Station,Kanyakumari District.
- +1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-105531[F]
+1 CC to M/s.SPL.GP (SR-105572[F] dated 18/12/2019)

W.P (MD)No.26566 of 2019

SMA/22/01/2020/2P/7C