



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P(MD).No.6485 of 2020

Chellasamy,
Administrator of Nullivilagam Siva Sudalai
Madasamy Family Thirukovil,
Nullivilai,
Moolachel,
Thuckaly Post,
Kalkulam Taluk,
Kanyakumari District.

.. Petitioner

Vs.

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

2.The Executive Officer,
Vilavoor Town Panchayat,
Moolachel,
Thuckaly Post,
Kanyakumari District.

3.The Tahsildar,
Thuckaly Taluk,
Thucklay Post,
Kanyakumari District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, to direct the first and second respondents herein to consider the petitioner's representation dated 12.12.2019 and pass appropriate order in the issue of planning and permission under Rule 4 (3) of the Tamil Nadu Panchayat Building Rules 1973 for the repair and reconstruction of Arulmigu Moolachel Nullivilagam Siva Sudalai Madasamy and Pathrakaliamman family temple within a stipulated time as fixed by this Court.

For Petitioner : Mr.V.Meenakshisundaram

For Respondents : Mr.C.Ramar
Additional Government Pleader
for R1 and R3



Mr.Sethuraman
Standing Counsel
for R2

ORDER

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This writ petition has been filed for a Mandamus to direct the first and second respondents to consider the petitioner's representation dated 12.12.2019 and pass appropriate orders with regard to the issue of planning and permission under Rule 4 (3) of the Tamil Nadu Panchayat Building Rules 1973 for the repair and reconstruction of Arulmigu Moolachel Nullivilagam Siva Sudalai Madasamy and Pathrakaliamman family temple within a time frame to be fixed by this Court.

2. Heard MrV.Meenakshisundaram, learned counsel for the petitioner, Mr.C.Ramar, learned Additional Government Pleader appearing for R1 and R3 and Mr.Sethuraman, learned Standing Counsel appearing for the second respondent.

3. The petitioner claims that he is the Administrator of Arulmigu Moolachel Nullivilagam Siva Sudalai Madasamy and Pathrakaliamman temple. According to him, it is a family temple and he has given a representation dated 12.12.2019 to the second respondent for the construction of 'Peedam' and for renovation works to be carried out in the said temple. According to him, till date, the said representation has not been considered by the second respondent. On earlier occasion, this Court, by an order dated 05.06.2020 recorded the submissions of the learned Standing Counsel appearing for the second respondent that suitable instructions would be given to the second respondent to forward the applications submitted by the petitioner to the first respondent. However, it is not known as to whether such an instruction was given by the learned Standing Counsel to the second respondent or not. No prejudice will be caused to the respondents if the representation of the petitioner dated 12.12.2019, seeking permission of the second respondent to carry out renovation works at Arulmigu Moolachel Nullivilagam Siva Sudalai Madasamy and Pathrakaliamman family temple, is considered on merits and in accordance with law.

4. For the foregoing reasons, this Court directs the first and second respondents to consider the petitioner's representation dated 12.12.2019 and pass appropriate orders in the issue of planning and permission under Rule 4 (3) of the Tamil Nadu Panchayat Building Rules 1973, to carry out the repair and reconstruction works in Arulmigu Moolachel Nullivilagam Siva Sudalai Madasamy and Pathrakaliamman Family Temple situated at Kalkulam, Kanyakumari District, within a period of six weeks from the date of receipt of a copy of this order.



5. With the aforesaid direction, this writ petition stands disposed of. No Costs.

Sd/-

Assistant Registrar (CO)

WEB COPY

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PJL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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

2. The Tahsildar,
Thuckaly Taluk,
Thucklay Post,
Kanyakumari District.

+1 CC to M/s.GP (SR-20569[F] dated 19/10/2020)

W.P (MD) .No.6485 of 2020

16.10.2020

CO (SE)

AP (28.10.2020) 3P 4C