



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9548 of 2020

and

W.M.P.(MD)No.8605 of 2020

WEB COPY

R.Ramesh

... Petitioner

Vs.

1. The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Revenue Divisional Officer,
Padmanabhapuram, Kanyakumari District.
3. The Tahsildar,
Thiruvattaru Taluk,
Thiruvattaru Post,
Kanyakumari District.
- 4.Thirppaarappu Selection Grade Town Panchayat,
Rep by its Executive Officer,
Thirpparappu,
Kanyakumari District.
- 5.Church of St.Antony,
Rep by its Parish Priest,
Rev.Sudarson,
Nagacodu, Kulasekaram Post,
Kanyakumari District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the official respondents from granting any permission for starting of the Church at Survey No.172/3, Thumbakcode A Village, Thiruvattaru Taluk, Kanyakumari District by the fifth respondent based on the petitioner's representation dated 04.11.2019 within the stipulated period by this Court.

For Petitioner	: Mr.H.Velavadhas
For R1 to R3	: Mr.P.Mahendran Additional Government Pleader
For R4	: Mr.A.Muthukaruppan Additional Government Pleader
For R5	: Mr.S.Louis



O R D E R

Heard the learned counsel on either side.

2.The case of the petitioner is that the fifth respondent is intending to put up church in the petition mentioned land in violation of the statutory provisions.

3.When the matter was taken up for hearing, the learned counsel appearing for the fifth respondent, on instructions, categorically stated that there is absolutely no proposal whatsoever to put up any church in the petition mentioned land. He points out that Survey No.172/3, Thumbakcode A Village, Thiruvattaru Taluk, Kanyakumari District is being used only as a cemetery. The civil works, which are referred to by the petitioner pertain to certain works, carried on in connection with the burial ground.

4.I, therefore, hold that there is no cause of action for filing the writ petition. Recording the submission made by the learned counsel appearing for the fifth respondent, the Writ Petition stands closed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmi

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,
Kanyakumari District,
Nagercoil.
2. The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.



3. The Tahsildar,
Thiruvattaru Taluk,
Thiruvattaru Post,
Kanyakumari District.

WEB COPY

+1 CC to M/s.S.LOUIS, Advocate (SR-16787[F] dated 14/09/2020)
+1 CC to M/s.GP (SR-16877[F] dated 15/09/2020)

W.P. (MD)No.9548 of 2020
11.09.2020

SCR(CO)
CS(23.09.2020) 3P 6C