



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2020

CORAM

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P. (MD) No.16296 of 2020

K.Vedhnayakam

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Executive Officer,
Kumarapuram Town Panchayat,
Kumarapuram Town Panchayat Office,
Kumarapuram, Nagercoil,
Kanyakumari District.

3.The Assistant Director(Panchayat),
Nagercoil, Kanyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent to consider the petitioner's representation dated 21.12.2019 and dispose the same to grant permission for constructing prayer hall in Survey No.381/14, Vadakanpakam, Kumarapuram Post, Kanyakumari District into a prayer hall and fixed a time frame by this Court.

For Petitioner	: Mr.M.Ashok Padmaraj
For R1	: Mrs.V.P.M.Vaishnavi, Government Advocate.
For R2	: Mr.J.Gunaseelan Muthiah, Additional Government Pleader.
For R3	: Mr.Alwin Balan

ORDER

(This petition was heard through video conferencing)

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to consider the petitioner's application dated 21.12.2019 for approval of his building plan for construction of prayer hall in survey No.381/14, Vadakanpakam, Kumarapuram Post, Kanyakumari District, within a time frame fixed by this Court.

2.Mrs.V.P.M.Vaishnavi, learned Government Advocate accepts notice on behalf of the first respondent, Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader accepts notice on behalf of the second respondent and Mr.Alwin Balan, learned counsel accepts notice on behalf of the third respondent. By consent of all



parties, this writ petition is taken up for final disposal at the admission stage itself.

3.It is the case of the petitioner that he is the owner of the aforementioned property and he desired to construct a prayer hall therein. It is his case that he applied for building plan approval with the first respondent, on 21.12.2019 along with copy of the sale deed and plan for the construction of prayer hall in his property. According to him, till date his application has not been considered by the first respondent. In such circumstances, this writ petition has been filed.

4.Heard Mr.M.Ashok Padmaraj, learned counsel appearing for the petitioner, Mrs.V.P.M.Vaishnavi, learned Government Advocate appearing for the first respondent, Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader appearing for the second respondent and Mr.Alwin Balan, learned counsel appearing for the third respondent.

5.The relief sought for by the petitioner is an innocuous relief. The petitioner has submitted the application, on 21.12.2019 seeking for approval of his building plan for construction of prayer hall in his property. Admittedly, till date the said application has not been considered by the first respondent, on merits and in accordance with law. No prejudice will be caused to the respondents, if the application of the petitioner is considered on merits and in accordance with law.

6.For the foregoing reasons, this Court directs the first respondent to consider the petitioner's application, dated 21.12.2019 seeking for approval of his building plan for construction of prayer hall in survey No.381/14, Vadakanpakam, Kumarapuram Post, Kanyakumari District and pass final orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7.With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

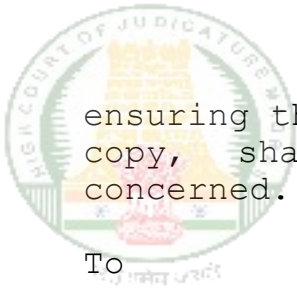
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/ /2020

Sub Assistant Registrar(CS)

Gns

Note: In view of the present lock down owing to COVID-19 pandemic, a copy of this order may be utilized for official purposes, but,
<https://hccservices.courts.gov.in/fcservices/>



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 Executive Officer,
Kumarapuram Town Panchayat,
Kumarapuram Town Panchayat Office,
Kumarapuram, Nagercoil,
Kanyakumari District.
- 3.The Assistant Director(Panchayat),
Nagercoil, Kanyakumari District.

+1 CC to SPL GP (SR-22373[F] dated 20/11/2020)

+1 CC to Mr.J.GUNASEELAN MUTHIAH, Advocate (SR-22136[F] dated 19/11/2020)

+1 CC to Mr.M.ASHOK PADMARAJ, Advocate (SR-22237[F] dated 20/11/2020)

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VB (30.11.2020) 3P 7C