



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.02.2021**

CORAM

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

W.P. (MD) No.2591 of 2021

and

W.M.P. (MD) No.2129 of 2021

WEB COPY

R.Chelladurai

.. Petitioner

vs

- 1.The District Collector,
Nagercoil,
Kanyakumari District.
- 2.The Sub Collector,
Padmanabhapuram,
Thuchalay,
Kanyakumari District.
- 3.The Block Development Officer,
Thuckalay Panchayat Union,
Thuckalay,
Kanyakumari District.
- 4.The Executive Officer,
Muthalakurichi Village Panchayat,
Muthalakurichi 629 802,
Kanyakumari District.
- 5.The Inspector of Police,
Thuckalay Police Station,
Thuckalay,
Kanyakumari District.
- 6.Jebin Raj

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the official respondents herein especially the 1st and 2nd respondents to stop the illegal church activities of the 6th respondent herein and his men in Door.No.1/39-2, Kottankachivilai, Muthalakurichi, Thuckalay, Kanyakumari District and thereby take action against the 6th respondent herein for converting his residential house into a church without following the due process of law and further to intervene with the illegal acts of the 6th respondent herein by considering the representation dated 26.12.2020 within a stipulated time framed by this Court.



For Petitioner : Mr.C.Kishore
For R1 to R5 : Mr.M.Jeyakumar
Additional Government Pleader

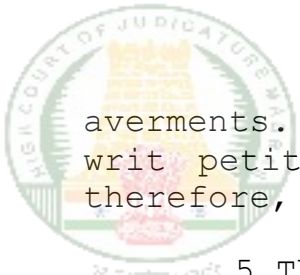
ORDER

The grievance of the petitioner is that he is a resident of Kottankachivilai Village and was affected by the activities of the 6th respondent and in that regard, he has made a representation, dated 26.12.2020 before the respondents 1 to 5 to take action as against the 6th respondent, but there was no action forthcoming from the respondents 1 and 2 and therefore, he is before this Court seeking issuance of writ of mandamus.

2. According to the petitioner, the 6th respondent is a resident of the said village and without getting due permission from the local authorities, he has converted his regular residential house into a Church illegally and in furtherance of the Church activities, the 6th respondent has been causing incessant nuisance to the neighbourhood. According to him, the 6th respondent has installed loudspeakers and involved in propagating his activities loudly, disturbing the neighbourhood.

3. In the said circumstances, the petitioner appears to have approached the official respondents to take suitable action against the 6th respondent particularly for converting his residential house into a illegal Church. In fact the petitioner has also averred on an earlier occasion that as per the order of the 2nd respondent, the 6th respondent executed a bond and a compromise was reached in regard to the objections acknowledged by him then. But even thereafter, the activity of the 6th respondent has not witnessed any improvement. Therefore, the petitioner has recently submitted a detailed representation to the respondents 1 to 5 on 26.12.2020, but deliberately no action has been forthcoming from the respondents 1 to 5 and therefore, he is before this Court.

4. From the above factual narrative, it could be seen that the petitioner appears to have a personal grievance against the 6th respondent and in order to advance his personal agenda against the 6th respondent, the petitioner has come up with this writ petition presumably for achieving a collateral purpose. It is always open to the petitioner to pursue his action against the 6th respondent within the framework of any criminal or any other law before the authorities concerned. However, it is certainly not open to the petitioner to invoke the constitutional jurisdiction of this Court and seek a direction with a view to settle his personal scores as against the 6th respondent. The constitutional jurisdiction of this Court cannot be allowed to be trifled with by motivated litigants, as any direction from this Court would have serious implication to the individual concerned and this Court cannot issue directions, which would have serious adverse consequences on the individual rights solely on the basis of the bald and self-serving motivated



averments. This Court therefore is of the view that these kind of writ petitions are highly malicious that lack in *bona fides* and therefore, the same ought not to be entertained by this Court.

5. The writ petition therefore stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
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Kanyakumari District.

+1 CC to M/s.KISHORE, Advocate (SR-4807[F] dated 12/02/2021)

+1 CC to M/s.GP (SR-5165[F] dated 15/02/2021)

WP. (MD)No.2591 of 2021

12.02.2021

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RK (19.04.2021) 3P 8C

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