



WEB COPY

W.P.[MD]No.11863 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.11863 of 2021

and

W.M.P(MD) No.9307 of 2021

Samraj Durairaj
S/o.Durairaj

... Petitioner

Vs.

1.The Commissioner,
Paramakudi Municipality,
Paramakudi,
Ramanathapuram District.

2.D.Daniel Raj,
TELC, Tranquebar House,
Tiruchirapalli-620 001.

3.Jebakumar Sahayaraj,
Pastor and Chairman,
TELC Bethania Church,
Nethaji Road,
Paramakudi,
Ramanathapuram District.

4.T.Ramu

5.P.Rajendran

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent not to permit the respondents Nos.2 to 5 to raise any new constructions in Shop Nos.7/361, 7/361C, 7/361D of TELC Shopping complex, Near Arch situated in Paramakudi Town without any proper plan approval in any manner whatsoever.

For Petitioner

: Mr.P.Gunasekaran



ORDER

(Order of the Court was made by **T.S.SIVAGNANAM, J.**)

The petitioner, who appears to be a member of the Tamil Nadu Evangelical Lutheran Church (TELC), Paramakudi Town, Ramanathapuram District, seeks for a direction upon the first respondent to prevent the respondents Nos.2 to 5 from putting up any new construction in the TELC Shopping complex, near the arch situated in Paramakudi Town.

2. The prayer sought for is against the private individuals, namely, respondents 2 to 5 and therefore, the same cannot be granted in a writ petition.

3.If according to the petitioner, the respondents 2 and 3 cannot take a decision in terms of the by-laws of the Church to construct a shopping complex by demolishing the existing structure, then the remedy for the petitioner is before the different forum.

4. If according to the petitioner, the respondents 2 to 5 are violating the provisions of the District Municipalities Act, then the objections to be given before the first respondent should be on those lines.

5.Therefore, the relief as couched by the petitioner cannot be granted. However, it is open to the petitioner to approach the first respondent Municipality, if there is any statutory violation committed by the first respondent.

6.With the above observations, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RM

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.

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To
The Commissioner,
Paramakudi Municipality,
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MGJ(26.07.2021) 3P 2C