



WEB COPY

W.P.(MD)No.22575 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2021

CORAM :

**THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE**

AND

THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P. (MD) No.22575 of 2021

and

W.M.P. (MD) No.19095 of 2021

Rev.J.Simon Dharmaraj

.. Petitioner

Vs

1.The District Collector,
Office of the Collectorate,
Tuticorin.

2.The Sub Collector,
Sub Collector Office,
Tuticorin.

3.The Commissioner,
Corporation of Tuticorin,
Tuticorin.

4.The Tahsildar,
Taluk Office,
Tuticorin.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned order of the third respondent vide his proceedings in A.Pe.Ka.No/Na.Ka.No.F.137/21/F1/VIZ dated 07.12.2021 and quash the same as illegal and direct the first respondent to consider the application of the petitioner dated 11.07.2019 for issuance of Building Plan Approval for construction of Church Building.

For Petitioner

: Mr.V.Selvakumar

For Respondents 1, 2 & 4

: Mr.M.Siddharthan,
Additional Government Pleader



ORDER

[Order of the Court was made by PUSHPA SATHYANARAYANA, J.]

The writ petition is challenging the notice issued by the third respondent in A.Pe.Ka.No/Na.Ka.No.F.137/21/F1/VIZ dated 07.12.2021 to stop the construction of the Church building.

2. Admittedly, there is no approval or building permit being obtained from the authorities concerned.

3. Learned Counsel for the petitioner would make a mention that as early as on 11.07.2019, he had applied to the authorities for grant of sanction for constructing the said Church building and it is still pending. The first respondent - District Collector has forwarded the petitioner's representation to the District Superintendent of Police to conduct an enquiry in this regard vide proceedings, dated 30.09.2019. Thereafter, it appears that a Peace Committee Meeting among the petitioner, the Tahsildar and the Police officials in the presence of the Village Administrative Officer was conducted. In the said Peace Committee Meeting, the petitioner has admitted that the further construction would be done only after getting the sanction from the authorities. However, the construction had been proceeded with, resulting in the impugned notice being issued to the petitioner.

4. In the above circumstances, when the construction itself is without sanction, we cannot interfere in the action taken by the respondents. However, we would direct the authorities to consider the petitioner's representation and pass appropriate orders, if otherwise everything is in order as per law within a period of four [4] weeks from the date of receipt of a copy of this order.

5. With the above direction, the writ petition is disposed of. There shall be no order as to costs. Consequently, connected W.M.P. (MD) No.19095 of 2021 is closed.

Sd/-

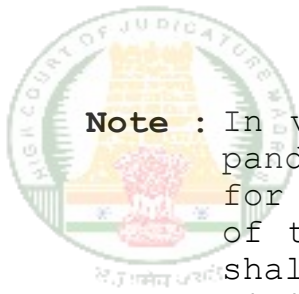
Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR/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

1.The District Collector,
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2.The Sub Collector,
Sub Collector Office,
Tuticorin.

3.The Commissioner,
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Tuticorin.

4.The Tahsildar,
Taluk Office,
Tuticorin

+1 CC to M/s.V.SELVAKUMAR, Advocate (SR-40342[F] dated 23/12/2021)

+1 CC to M/s.SPL GP (SR-40249[F] dated 23/12/2021)

W.P. (MD) No.22575 of 2021

21.12.2021

MGJ(04.01.2022) 3P 7C