



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WEB COPY

W.P(MD)No.10791 of 2012

R.Varkeesh

...Petitioner

Vs.

1.The District Collector,
Collectorate Office,
Kanyakumari District.

2.The Superintendent of Police,
Kanyakumari District.

3.The Revenue Divisional Officer,
Padmanabapuram,
Thakkallai,
Kanyakumari District.

4.Viniel Sathesh

5.Yakoo @ Jakab

6.Kamalam

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to dispose of the petitioner's representation dated 13.07.2012.

For Petitioner : Mr.M.Vivek Kumar

For R1 to R3 : Mr.D.Gandhiraj
Special Government Pleader

For R4 to R6 : Mr.N.Dilip Kumar

O R D E R

This writ petition has been filed for a Mandamus, to direct the third respondent to dispose of the petitioner's representation dated 13.07.2012.

2.The case of the petitioner is that the petitioner is the Secretary of Bhathrakaliamman Temple in Mekkammandapam, Kanyakumari District and when the temple religious activities are smoothly going on, the respondents 5 to 6, who are residing nearby the said Temple in Survey No.407/14B and Door No.20/7, B3-A, conducting Benthakose Sabha, without getting any permission from the respondents 1 to 3. The grievance of the petitioner is that despite the order of the Revenue Divisional Officer, the private respondents proceeded to



construct a Church in the disputed place. By referring the Government Order in G.O.Ms.No.916, dated 29.04.1986, issued in this regard, the petitioner made representation to the third respondent on 13.07.2012, which was not considered by the third respondent and therefore the petitioner filed the present writ petition in the year 2012.

3.The learned Special Government Pleader appearing for the respondents 1 to 3 submits that in view of the pendency of the writ petition, they have not taken any decision so far in this regard. He also concedes that the representation of the petitioner is pending with the authorities concerned and G.O.Ms.No.916, dated 29.04.1986 was also issued in this regard. He further submits that they require some more time to file counter affidavit.

4.The learned counsel appearing for the private respondents submits that they have constructed a house alone and not a Church in the aforementioned land.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.Since the relief sought for in this writ petition is to consider the representation of the petitioner and considering the fact that the writ petition is pending from the year 2012, and also taking into account that the stand taken by the learned Special Government Pleader that in view of the pendency of the writ petition, they are not in a position to take any decision in this regard and Government Order in G.O.Ms.No.916, dated 29.04.1986 was also issued in this regard, this Court is inclined to dispose of this writ petition with a liberty to the petitioner to submit a representation afresh to the District Collector, Kanyakumari District within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation from the petitioner, the District Collector, Kanyakumari District shall take a decision, as per G.O.Ms.No.916, dated 29.04.1986, after affording opportunity to the private respondents herein, within a period of eight weeks from thereon, on its own merits and in accordance with law.

7.With the above directions, this writ petition is disposed of. No costs.

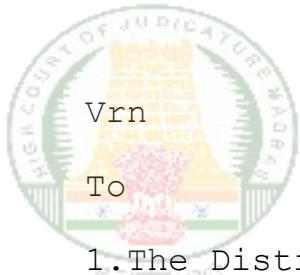
Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



Vrn

To

1.The District Collector,
Collectorate Office,
Kanyakumari District.

2.The Superintendent of Police,
Kanyakumari District.

3.The Revenue Divisional Officer,
Padmanabapuram,
Thakkallai,
Kanyakumari District.

+1 CC to M/s.M. VIVEK KUMAR, Advocate (SR-19998[F] dated 21/04/2022)

+1 CC to M/s.N. DILIPKUMAR, Advocate (SR-20285[F] dated 21/04/2022)

W.P (MD) No.10791 of 2012
20.04.2022

NSN (CO)
KB (13.06.2022) 3P 6C