



W.P.(MD).No.11586 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.08.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.11586 of 2013

and

M.P(MD)No.1 of 2013

T.Piramanayagam

... Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Deputy Director,
Town and Country Planning,
Tirunelveli-Kanyakumari Region,
108, Tiruvanathapuram Road,
Tirunelveli-2.
- 3.The Thasildar,
Radhapuram Taluk,
Radhapuram,
Tirunelveli District.
- 4.The President,
Levinchipuram Panchayat,
Levinchipuram,
Tirunelveli District.



W.P.(MD).No.11586 of 2013

5.The Bishop,
C.S.I. Diocese,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to restrain the fifth respondent from constructing a marriage hall without any proper approval in Survey No.1423/11 at Levincheepuram Village, Radhapuram Taluk, Tirunelveli District and also further to remove the existing unfinished structure of the same made as on date without approval forthwith.

For Petitioner : Mr.S.Palanivelayutham
For R-1 to R-3 : Mr.N.Muthuvijayan
Special Government Pleader
For R-4 : No appearance
For R-5 : Mr.K.Sreekumaran Nair

ORDER

The present Writ Petition has been filed seeking a Writ of Mandamus, directing the second respondent not to permit the construction of marriage hall without any proper approval in Survey No. 1423/11 at Levincheepuram Village, Radhapuram Taluk, Tirunelveli District and to remove the existing unfinished structure.



W.P.(MD).No.11586 of 2013

WEB COPY

2. According to the learned Counsel for the petitioner, he is the President of the Committee of Sri Sudalaimadaswamy Temple and having active involvement and service to the said temple for several years. He further stated that the Christians in the said locality have built up a small Church in the neighboring land of the said Temple. After lapse of some years, they have handed over the Management of the Church to C.S.I. Diocese of Nagercoil. Now, the Church is under the supervision of the fifth respondent herein. A School was originally constructed in the said land and the same was demolished and in the said place a Kalyana Mandampam is sought to be constructed, which would greatly affect the religious harmony between two groups.

3. The petitioner has further contended that the fifth respondent is attempting to put up a construction of a marriage hall without obtaining any prior approval by any one of the authorities and hence, the present writ petition has been filed.



W.P.(MD).No.11586 of 2013

4. The fifth respondent has filed a counter, contending that the land in dispute belongs to the fifth respondent herein and after obtaining prior approval from the statutory authorities, he is putting up construction in the disputed property.

5. The official respondents have filed written instructions from the Block Development Officer of Valiyoor. As per the said written instructions, a building plan permission has been granted in Building Permission No.88, dated 01.01.2014, for construction of Kalyana Mandapam in Survey No.1423/11. The construction was done pursuant to the said permission and the construction has also been completed. The report of the Block Development Officer is taken on record. Having considered the above said facts, it is clear that the petitioner is not making any claim over Survey No.1423/11. According to the petitioner, the land in dispute was allotted to the fifth respondent herein only for the construction of a School and the Church and hence, in violation of the said allotment, a marriage hall cannot be constructed by the fifth respondent. Unless some statutory violation has been pointed out, this Court cannot interfere in the construction activities said to have been



W.P.(MD).No.11586 of 2013

carried out by the fifth respondent herein.

WEB COPY

6. According to the official respondents, the fifth respondent has completed the construction, after obtaining approval from the statutory authorities. In case, if the petitioner feels that the said construction is in violation of the conditions of the gift granted by the ancestors of the writ petitioner, it is for him to approach the civil Court.

7. With the above said observations, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

22.08.2022

Index : Yes / No
Internet : Yes / No
btr

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.

5/7



W.P.(MD).No.11586 of 2013

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W.P.(MD).No.11586 of 2013

R.VIJAYAKUMAR, J.

btr

Order made in
W.P.(MD).No.11586 of 2013

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