



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.1892 of 2022

Rev.Fr.S.S.Bastin,
Parish Priest,
St.Theresa Church,
Manamadurai - 630 606,
Sivagangai District.

... Petitioner

/Vs./

The District Collector,
The District Collectorate,
Sivagangai, Sivagangai District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent herein to accord permission to use the new Sahayamatha Church constructed in the Survey Nos.285/6B, and 285/5B, Nethaji Nagar, Seikalathur Panchayat as place of worship as per Section 4(3) of the Tamil Nadu Panchayat (Building) Rules, 1997.

For Petitioner : Ms.A.Amala
For Respondent : Mr.T.Amjadkhan
Government Advocate

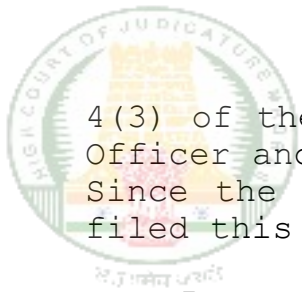
ORDER

This writ petition has been filed for a Mandamus, seeking for a direction to the respondent to accord permission to use the new Sahayamatha Church constructed in the Survey Nos.285/6B, and 285/5B, Nethaji Nagar, Seikalathur Panchayat as place of worship as per Section 4(3) of the Tamil Nadu Panchayat (Building) Rules, 1997 and pass orders within the timeframe to be fixed by this Court.

2.It is the case of the petitioner that the Church is in existence ever since 1983 and subsequently, they have also reconstructed to expand the church. Since the said church was in existence ever since 1983 and the Tamil Nadu Panchayat (Building) Rules, 1997 (in short 'Rules') came into force only in 1997, they did not seek permission earlier.

3.According to the petitioner, in the year 2021, they have constructed a new church after getting approval from the Panchayat on 04.09.2020. Now they have submitted an application under Rule 4 (3) of the Rules on 02.06.2021 seeking permission of the respondent to use the church as a place of worship.

4.Further, it is the contention of the petitioner that the application submitted by the petitioner to the respondent under Rule



4(3) of the Rules has also been forwarded to the Revenue Divisional Officer and Tahsildar and the Panchayat President for their reports. Since the application has not been considered till date, they have filed this writ petition.

5. Heard Ms.A.Amala, learned counsel appearing for the petitioner and Mr.T.Amjadkhan, learned Government Advocate, who accepts notice for the respondent.

6.No prejudice will be caused to the respondent, if the petitioner's application filed under Rule 4(3) of the Rules, is considered on merits and in accordance with law, after affording a fair hearing to the petitioner including granting the petitioner an opportunity of personal hearing.

7.Accordingly, this Court directs the respondent to consider the petitioner's application dated 02.06.2021 filed under Rule 4(3) of the Rules, on merits and in accordance with law, after affording a fair hearing to the petitioner and also granting the petitioner right of personal hearing, within a period of eight (8) weeks from the date of receipt of a copy of this order.

8.With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Deputy Registrar (A/c)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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
The District Collector,
Sivagangai, Sivagangai District.

+1 CC to M/s.SPL GP (SR-6776[F] dated 17/02/2022)

+1 CC to M/s.A.AMALA, Advocate (SR-6686[F] dated 17/02/2022)

order made in

W.P. [MD]No.1892 of 2022

Dated:

16.02.2022

RJ(CO)GC(03.03.2022) 2P 4C

<https://hcservices.ecourts.gov.in/hcservices/>